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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-FOURTH SESSION

(16 March - 24 April 1998)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1998

SUPPLEMENT No. 3

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

A State not member of the Commission may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council. The list of participants is contained in annex I.

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. *Draft resolutions*

I. *Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms*

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1998/98, annex),

1. *Expresses its appreciation* to the Commission on Human Rights for finalizing the draft declaration;

2. *Approves* the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to resolution 1998/7 and recommends it to the General Assembly for adoption at its fifty-third session;

3. *Recommends* that, after adoption by the General Assembly, the full text of the Declaration should be disseminated as widely as possible.

[See chap. II, sect. A, resolution 1998/7,
and chap. XIX.]

II. *Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994*

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/14 of 9 April 1998,

1. *Authorizes the open-ended inter-sessional* working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the fifty-fifth session of the Commission, the costs of the meeting to be met from within existing resources;

2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1998/14, and chap. XXIII.]

III. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/34 of 17 April 1998,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks, with a possibility of extending it to three weeks, within existing resources, prior to the fifty-fifth session of the Commission in order to continue or conclude the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1998/42 and Corr.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1998/34, and chap. VIII.]

B. Draft decisions

1. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/6 of 27 March 1998, endorses the Commission's decision to extend for three years the mandate of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and to request the Special Rapporteur, in carrying out his mandate, to seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations.

The Council also approves the Commission's request to the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries.

[See chap. II, sect. A, resolution 1998/6,
and chap. VII.]

2. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/12 of 9 April 1998, endorses the Commission's decision to renew for a period of three years the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights in order that she may continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena.

The Council approves the Commission's request to the Secretary-General to make all necessary resources available to the Special Rapporteur to enable her to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support.

[See chap. II, sect. A, resolution 1998/12,
and chap. V.]

3. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/13 of 9 April 1998, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the fiftieth session of the Sub-Commission, and approves the Commission's request to the Secretary-General to provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to consider organizing, taking into account the United Nations Decade for Human Rights Education and the priority to be given to education and language at the sixteenth session of the Working Group on Indigenous Populations, and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies.

[See chap. II, sect. A, resolution 1998/13,
and chap. XXIII.]

4. Migrants and human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/16 of 9 April 1998, endorses the Commission's decision to reconvene the working group of intergovernmental experts on the human rights of migrants, on the same basis, in order that it may fulfil its mandate as set out in paragraph 3 of Commission resolution 1997/15 of 3 April 1997, to meet for two periods of five working days prior to the fifty-fifth session of the Commission.

[See chap. II, sect. A, resolution 1998/16,
and chap. XI.]

5. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/18 of 9 April 1998, endorses the Commission's decision to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate.

[See chap. II, sect. A, resolution 1998/18,
and chap. XVIII.]

6. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/19 of 9 April 1998, endorses the Commission's decision to extend the mandate of the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities with a view to its holding one session of five working days annually.

[See chap. II, sect. A, resolution 1998/19,
and chap. XVI.]

7. A permanent forum for indigenous people in the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/20 of 9 April 1998, endorses the Commission's decision to establish an open-ended inter-sessional ad hoc working group, from within existing overall United Nations resources, to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system, and approves the Commission's request that the ad hoc working group meet for five working days prior to the fifty-fifth session of the Commission.

[See chap. II, sect. A, resolution 1998/20,
and chap. XXIII.]

8. The right to food

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/23 of 17 April 1998, approves the Commission's decision to endorse the proposal made by the Consultation on the Right to Adequate Food to have a follow-up meeting in 1998 to pursue the discussions on the content and means of implementation of the rights related to adequate food in order to provide the United Nations High Commissioner for Human Rights with a full set of recommendations concerning her response to the request of the World Food Summit in objective 7.4 (e) of the Plan of Action of the Summit and, in this regard, to invite the High Commissioner to promote and encourage broader participation by experts from Member States, relevant specialized agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations.

[See chap. II, sect. A, resolution 1998/23,
and chap. V.]

9. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/24 of 17 April 1998, endorses the Commission's decision, in particular in the light of recent trends, to appoint, for a three-year period, a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, and approves the Commission's request to the Special Rapporteur to present to the Commission, on an annual basis, beginning at its fifty-fifth session, an analytical report on the implementation of resolution 1998/24.

The Council also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions.

[See chap. II, sect. A, resolution 1998/24,
and chap. V.]

10. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/25 of 17 April 1998, endorses the Commission's decision to appoint, for a period of two years, an independent expert on the question of human rights and extreme poverty to:

(a) Evaluate the relationship between the promotion and protection of human rights and extreme poverty, including through the evaluation of measures taken at the national and international levels to promote the full enjoyment of human rights by persons living in extreme poverty;

(b) Take into account in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights;

(c) Make recommendations and, as appropriate, proposals in the sphere of technical assistance;

(d) Report on these activities to the Commission on Human Rights at its fifty-fifth and fifty-sixth sessions and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

(e) Contribute to the General Assembly's evaluation in 2000 of the World Summit for Social Development by making his or her final report and conclusions available to the preparatory committee for the special session of the General Assembly devoted to that evaluation;

(f) Make suggestions to the Commission on Human Rights at its fifty-fifth session on the main points of a possible draft declaration on human rights and extreme poverty so that the Commission can consider the possibility of initiating at the fifty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities the drafting by that body of a text for examination by the Commission and possible adoption by the General Assembly, and to take into account in that regard, inter alia, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna Declaration and Programme of Action, the Copenhagen Declaration and Programme of Action of the World Summit for Social Development, the Agenda for Development and the final report of the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13).

[See chap. II, sect. A, resolution 1998/25, and chap. V.]

11. Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/26 of 17 April 1998, approves the Commission's requests:

(a) To the Secretary-General to submit to the General Assembly at its fifty-third session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and to the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

(b) To the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Office of the High Commissioner as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations.

The Council endorses the Commission's decision to create an open-ended working group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its first session.

The Council also endorses the Commission's recommendations to the General Assembly:

(a) To request the Secretary-General to designate as Secretary-General of the World Conference the United Nations High Commissioner for Human Rights, who, in that capacity, would assume the main responsibility for the preparations for the Conference;

(b) To declare 2001 a year of mobilization against racism, racial discrimination, xenophobia and related intolerance with the aim of drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment.

The Council also approves the Commission's recommendations:

(a) That the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused towards the preparatory process for the World Conference and, in this regard, that the High Commissioner for Human Rights organize symposia, seminars and worldwide consultations in 1998, 1999, 2000 and 2001 on racism, racial discrimination, xenophobia and related intolerance;

(b) That the World Conference result in a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance.

The Council further approves the Commission's requests to the High Commissioner for Human Rights:

(a) To help States and regional organizations to convene national and regional meetings or undertake other initiatives, including at the expert level, to prepare for the World Conference, and its request to the regional preparatory meetings to present to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the draft final documents to be prepared by the Preparatory Committee;

(b) To inform the Preparatory Committee of the steps taken to prepare the World Conference.

[See chap. II, sect. A, resolution 1998/26,
and chap. XII.]

12. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998, approves the Commission's requests to the Secretary-General:

(a) To provide adequate resources in respect of each human rights treaty body;

(b) To make the most efficient use of existing resources in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) To seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(d) To report to the Commission on Human Rights at its fifty-sixth session on measures taken to implement resolution 1998/27 and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to take the necessary measures to ensure that the revised Manual on Human Rights Reporting is translated into all the official United Nations languages at the latest by 31 December 2000.

[See chap. II, sect. A, resolution 1998/27, and chap. XIV.]

13. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/33 of 17 April 1998, authorizes the Commission, as part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to education as laid down in article 26 of the Universal Declaration of Human Rights and will comprise the tasks enumerated in paragraph 6 (a) (i) to (viii) of resolution 1998/33.

The Council requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his mandate.

[See chap. II, sect. A, resolution 1998/33, and chap. V.]

14. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/38 of 17 April 1998, endorses the Commission's decision to extend for three years the mandate of the Special Rapporteur on the question of torture.

The Council approves the Commission's requests to the Secretary-General to continue to include the United Nations Voluntary Fund for Victims of Torture on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance.

[See chap. II, sect. A, resolution 1998/38, and chap. VIII.]

15. Question of enforced or involuntary disappearances

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/40 of 17 April 1998, endorses the Commission's decision to renew for a period of three years the mandate of the Working Group on Enforced or Involuntary Disappearances, comprising five independent experts.

The Council approves the Commission's request to the Secretary-General to ensure that the Working Group receives all the assistance and resources, especially a database on cases of enforced disappearance, that it requires to perform its function, carry out and follow up missions, hold sessions in countries that would be prepared to receive it and update the database.

[See chap. II, sect. A, resolution 1998/40, and chap. VIII.]

16. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/43 of 17 April 1998, approves the Commission's request to the Chairman of the Commission to appoint an expert to prepare a revised version of the basic principles and guidelines elaborated by the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, taking into account the views and comments provided by States and intergovernmental and non-governmental organizations, and to submit it to the Commission at its fifty-fifth session, with a view to its adoption by the General Assembly.

[See chap. II, sect. A, resolution 1998/43, and chap. VIII.]

17. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/50 of 17 April 1998, endorses the Commission's decision to extend the mandate of the representative of the Secretary-General on internally displaced persons for a further three years.

[See chap. II, sect. A, resolution 1998/50, and chap. IX.]

18. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/55 of 17 April 1998, approves the Commission's requests to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee created by national institutions for the promotion and protection of human rights during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the Office of the United Nations High Commissioner for Human Rights;

(b) To continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions.

[See chap. II, sect. A, resolution 1998/55,
and chap. IX.]

19. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/60 of 17 April 1998, approves the Commission's requests to the Secretary-General:

(a) Through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

(b) To examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, including the possibility of the appointment, by the Secretary-General, of a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability.

[See chap. II, sect. A, resolution 1998/60,
and chap. XVII.]

20. Situation of human rights in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/61 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session on human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and to request him to continue to keep a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 1998/61,
and chap. X.]

21. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/63 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information.

The Council approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar.

[See chap. II, sect. A, resolution 1998/63,
and chap. X.]

22. Situation of human rights in Nigeria

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/64 of 21 April 1998, endorses the Commission's decision:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in Nigeria, as contained in Commission resolution 1997/53 of 15 April 1997, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1998/64,
and chap. X.]

23. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/65 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session.

The Council approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.

[See chap. II, sect. A, resolution 1998/65,
and chap. X.]

24. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/67 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for an additional year, and approves the Commission's request to the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate.

The Council also approves the Commission's requests to the Special Rapporteur to report to the Commission on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fifth session, reassess such need, and to report his findings and recommendations to the General Assembly at its fifty-third session and to the Commission at its fifty-fifth session.

[See chap. II, sect. A, resolution 1998/67,
and chap. X.]

25. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/68 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years, and approves the Commission's request to the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources, in order to enable him to continue to carry out his mandate effectively, including through country visits.

[See chap. II, sect. A, resolution 1998/68,
and chap. X.]

26. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998, endorses the Commission's decision to extend for a further year the mandate of the Special Representative of the Commission on the situation of human rights in Rwanda to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate, and approves the Commission's request to the Special Representative to report to the General Assembly at its fifty-third session and to the Commission at its fifty-fifth session, in accordance with his mandate, and its request to the Secretary-General to provide the Special Representative with such financial assistance as he may require to discharge his mandate.

[See chap. II, sect. A, resolution 1998/69,
and chap. X.]

27. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/70 of 21 April 1998, approves the Commission's requests to the Secretary-General to give all necessary assistance to the Special Rapporteur on the situation of human rights in Afghanistan and to the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field.

The Council endorses the Commission's decision to extend the mandate of the Special Rapporteur for one year, and to request the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-third session and to the Commission at its fifty-fifth session.

[See chap. II, sect. A, resolution 1998/70,
and chap. X.]

28. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/71 of 21 April 1998, endorses the Commission's decision to renew the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea for one year, and approves the Commission's requests to the Special Rapporteur to submit to the Commission at its fifty-fifth session a report stressing, in particular, recommendations on technical assistance needs of Equatorial Guinea in the fields of human rights and democracy, and to the Secretary-General to provide the Special Rapporteur with all necessary assistance for the discharge of his mandate.

[See chap. II, sect. A, resolution 1998/71,
and chap. X.]

29. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/72 of 22 April 1998, endorses the Commission's recommendation, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to establish a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate:

(i) To monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration;

(ii) To review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;

(iii) To present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, *inter alia*, advice to the Office of the United Nations High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the working group.

[See chap. II, sect. A, resolution 1998/72, and chap. VI.]

30. Human rights and thematic procedures

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/74 of 22 April 1998, approves the Commission's request to the Secretary-General, in implementing the United Nations budget for the current biennium, to ensure the availability of such resources as are necessary for the effective implementation of all human rights thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs, representatives, experts and working groups by the appropriate United Nations organs.

[See chap. II, sect. A, resolution 1998/74, and chap. IX.]

31. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/76 of 22 April 1998, endorses the Commission's decisions:

(a) With regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child, based on voluntary contributions, which provide human resources to assist the Committee with the increasing workload due to the near universalization of the Convention, and to request the Office of the United Nations High Commissioner for Human Rights to brief Governments regularly on the implementation of the Plan of Action;

(b) With regard to the Special Rapporteur on the sale of children, child prostitution and child pornography, to renew the mandate of the Special Rapporteur for a further three years, to request the Secretary-General to provide the Special Rapporteur with all necessary assistance, and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fifth session;

(c) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to request the working group on the question of a draft optional protocol to meet for a period of two weeks prior to the next session of the Commission on Human Rights and to redouble its efforts with the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child, and, to that end, to encourage the Chairman of the working group to conduct broad informal consultations;

(d) With regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, to encourage the Chairman of the working group on the draft optional protocol to conduct broad informal consultations with the aim of promoting an early agreement on the optional protocol and to produce a report thereon by the end of 1998 including, if possible, recommendations and/or ideas on the best way for the formal negotiations to proceed; to request the working group to meet in early 1999, primarily to consider the Chairman's report on the status of the informal consultations, which should be available well in advance, and to report to the Commission on Human Rights at its fifty-fifth session; to request the Secretary-General to give the necessary support to the working group to meet for a maximum of two weeks, if the working group decides that an agreement on the draft optional protocol is possible at that session; and to reaffirm the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child;

(e) With regard to the Special Representative of the Secretary-General on the impact of armed conflict on children, to recommend that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, to encourage the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and to call upon other institutions and States to provide voluntary contributions for that purpose.

[See chap. II, sect. A, resolution 1998/76,
and chap. XX.]

32. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/79 of 22 April 1998, endorses the Commission's decision to renew the mandate of the Special Rapporteur for one year and welcomes the appointment a new Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia.

The Council approves the Commission's request to the new Special Rapporteur, in addition to the activities mandated in Commission resolutions 1994/72 of 9 March 1994, 1996/71 of 23 April 1996 and 1997/57 of 15 April 1997:

(a) To work with the United Nations High Commissioner for Human Rights on behalf of the United Nations in dealing with the question of missing persons, including by participation in the International Commission on Missing Persons advisory group and other groups involved in missing persons issues, such as those chaired by the Office of the High Representative and the International Committee of the Red Cross, and to include in his report to the Commission on Human Rights information about activities concerning missing persons in the former Yugoslavia;

(b) To pay particular attention to the situation of persons belonging to ethnic minorities, displaced persons, refugees and returnees who fall within his mandate;

(c) To address human rights issues that transcend the borders between the States covered by his mandate and which can be addressed only through concerted action in more than one country.

The Council also approves the Commission's requests that the Special Rapporteur carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia, including to Kosovo, as well as to Sandjak and Vojvodina.

The Council also endorses the Commission's decisions:

(a) To request the Special Rapporteur to report to the Commission at its fifty-fifth session, on the work carried out in fulfilment of his mandate and to present interim reports to the General Assembly at its fifty-third session;

(b) To request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

(c) To urge the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate successfully and, in particular, to provide him with adequate staff based in the countries of the mandate to ensure effective continuous monitoring of the human rights situation in those countries and coordination with other international organizations involved.

[See chap. II, sect. A, resolution 1998/79, and chap. X.]

33. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/80 of 22 April 1998, endorses the Commission's decision to extend the mandate of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, to request the Special Representative to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information, and to request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1998/80,
and chap. X.]

34. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/82 of 24 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi for one year, and to request him to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission at its fifty-fifth session, and to give his work a gender-specific dimension.

[See chap. II, sect. A, resolution 1998/82,
and chap. X.]

35. Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/83 of 24 April 1998, approves the Commission's appeal to the Council and to the Secretary-General and the General Assembly to take all necessary steps, without delay, to secure for the Office of the United Nations High Commissioner for Human Rights and for other relevant components of the Organization regular budget resources for the current and future bienniums that will be sufficient to permit the effective fulfilment of the responsibilities and mandates established by Member States and commensurate with the importance assigned by the Charter of the United Nations to the promotion and protection of human rights.

[See chap. II, sect. A, resolution 1998/83,
and chap. III.]

36. Effects of structural adjustment policies on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/102 of 9 April 1998, endorses the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and the comments received thereon and to report to the Commission at its fifty-fifth session.

In order that the working group may carry out its mandate, the Council decides:

(a) To request the Secretary-General to circulate the report of the independent expert to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(b) To request the Secretary-General to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(c) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its task and to provide the independent expert with all the necessary assistance and resources to carry out his mandate.

[See chap. II, sect. B, decision 1998/102,
and chap. V.]

37. Protection of the heritage of indigenous people

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/103 of 9 April 1998 and resolution 1997/13 of 22 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the recommendation of the Sub-Commission that the United Nations High Commissioner for Human Rights organize a seminar on the draft principles and guidelines for the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31, annex) and the participation of the Special Rapporteur, Ms. Erica-Irene A. Daes, representatives of Governments, United Nations bodies and organizations, specialized agencies and organizations of indigenous people, and competent indigenous persons.

[See chap. II, sect. B, decision 1998/103,
and chap. XXIII.]

38. Freedom of movement and population transfer

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/106 of 17 April 1998 and resolution 1997/29 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's recommendation that the final report of Mr. Awn Al-Khasawneh, Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1997/23), be published and widely disseminated.

[See chap. II, sect. B, decision 1998/106,
and chap. IX.]

39. Human rights and terrorism

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/107 of 17 April 1998 and resolution 1997/39 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to approve the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper (E/CN.4/Sub.2/1997/28), and to request the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session.

The Council approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. II, sect. B, decision 1998/107,
and chap. IX.]

40. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/108 of 21 April 1998 and resolution 1997/27 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency was proclaimed or was continued during the reporting period.

[See chap. II, sect. B, decision 1998/108,
and chap. XV.]

41. Organization of the work of the fifty-fifth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/110 of 22 April 1998, approves the Commission's recommendation, bearing in mind Council decisions 1994/297 of 29 July 1994 and 1995/296 of 25 July 1995, that the fifty-fifth session of the Commission should be scheduled to take place from 15 March to 23 April 1999.

[See chap. II, sect. B, decision 1998/110, and chap. III.]

42. Organization of the work of the fifty-fifth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/111 of 22 April 1998, authorizes, if possible within existing financial resources, thirty fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fifth session. The Council approves the Commission's request to the Chairman of the Commission at its fifty-fifth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings authorized by the Council would be utilized only if they proved to be absolutely necessary.

[See chap. II, sect. B, decision 1998/111, and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-FOURTH SESSION*

A. Resolutions

1998/1. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian Territory, including Jerusalem, and other occupied Arab territories,

Recalling also the General Assembly resolutions on Israeli violations of human rights in the Occupied Palestinian Territory, including Jerusalem, occupied since 1967, and noting Assembly resolution ES-10/4 of 13 November 1997, in which the Assembly reiterated its recommendation that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1 of the four Geneva Conventions,

Recalling further the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Taking note of the report (E/CN.4/1998/17) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

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* Titles of agenda items appearing in resolutions and decisions below are those of the agenda of the fifty-fourth session of the Commission on Human Rights.

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/52/131 and Add.1 and 2),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Gravely concerned at the stagnation of the peace process because of the contempt of the Government of Israel for the principles on which that process was based, and its refusal to carry out its commitments in line with the agreements it signed with the Palestine Liberation Organization,

Recalling all its previous resolutions on the subject, including the latest, resolution 1997/1 of 26 March 1997,

1. Condemns the continued violations of human rights in the Occupied Palestinian Territory, including East Jerusalem, in particular the continuation of acts of wounding and killing such as that which took place on 10 March 1998 when Israeli occupation soldiers shot dead three Palestinian workers and wounded nine others, one of them seriously, and the subsequent opening of fire on Palestinian civilians after the incidents of the following days, in addition to the detention of thousands of Palestinians without trial, the continuation of the confiscation of Palestinian lands, the extension and the establishment of Israeli settlements thereon, the confiscation of Palestinians' property and expropriation of their land, the demolition of Palestinian homes and the uprooting of fruit trees, and calls upon Israel to cease these acts immediately since these practices constitute a major obstacle in the way of peace;

2. Also condemns the opening of a tunnel under the Al Aqsa mosque, the continuation of the building of an Israeli settlement on Jabal Abu Ghenaim in Occupied East Jerusalem in addition to other settlements in the West Bank, the expropriation of Palestinian homes in Al-Amoud district in Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem and forcing them to live outside their home with the aim of the Judaization of Jerusalem, and calls upon the Government of Israel to close the tunnel and to put an end immediately to these practices;

3. Further condemns the use of torture against Palestinians during interrogation, which the Israeli High Court of Justice has legitimized, and calls upon the Government of Israel to refrain immediately from the current interrogation practices and to work on abolishing the above-mentioned legitimization;

4. Reaffirms that all the Israeli settlements in the Palestinian territories occupied since 1967, including East Jerusalem, are illegal and should be dismantled in order to achieve a just, permanent and comprehensive peace in the region of the Middle East;

5. Also reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical and demographic status of the city of East Jerusalem from its situation prior to the June 1967 war to be illegal and void;

6. Further reaffirms the great importance of the convening of a conference by the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with General Assembly resolution ES-10/4;

7. Calls upon Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, measures which constitute flagrant violations of international law and international humanitarian law, endanger the lives of the Palestinians and also constitute a major obstacle in the way of peace;

8. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Occupied Palestinian Territory, including East Jerusalem, and other occupied Arab territories, and to respect the bases of international law, the principles of international humanitarian law, its international commitments and the agreements it signed with the Palestine Liberation Organization;

9. Also calls upon Israel to withdraw from the Palestinian territories, including East Jerusalem, and the other Arab territories occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

10. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-fifth session;

11. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

12. Decides to consider this question at its fifty-fifth session under the same agenda item, as a matter of high priority.

20th meeting
27 March 1998
[Adopted by a roll-call vote of 31 votes to 1,
with 20 abstentions. See chap. IV.]

1998/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 52/68 of 10 December 1997, in which the Assembly, inter alia, called upon Israel to comply with Security Council resolution 497 (1981), to put an end to its practices violating the rights of the Syrian citizens in the occupied Syrian Golan and to put an end to its occupation of the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/52/131/Add.2) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, which aims at the establishment of a just and comprehensive peace in the Middle East,

Expressing its concern about the stoppage of the peace process on the Syrian and Lebanese tracks, and hoping that the commitments and guarantees reached during the previous talks will be respected in order that the talks may resume as soon as possible on both tracks,

Reaffirming its previous relevant resolutions, the most recent being resolution 1997/2 of 26 March 1997,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-fifth session;

7. Decides to include in the provisional agenda of its fifty-fifth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

20th meeting
27 March 1998
[Adopted by a roll-call vote of 33 votes to 1,
with 19 abstentions. See chap. IV.]

1998/3. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling its previous resolutions, most recently resolution 1997/3 of 26 March 1997, in which, inter alia, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

1. Welcomes the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/1998/17);

2. Expresses its grave concern

(a) At the Israeli settlement activities, including the expansion of the settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of local residents and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since they are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and are a major obstacle to peace;

(b) At and strongly condemns all acts of terrorism, whilst calling upon all parties not to allow any acts of terrorism to affect the ongoing peace process negatively;

3. Calls upon the Government of Israel

(a) To comply fully with the previous Commission resolutions on the subject, most recently resolution 1997/3;

(b) To match its stated commitment to the peace process with concrete actions to fulfil its obligations and cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(c) To forgo and prevent any new installation of settlers in the occupied territories.

20th meeting
27 March 1998
[Adopted by 51 votes to 1. See chap. IV.]

1998/4. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right to self-determination of all peoples and especially those subject to foreign occupation,

Recalling Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling also General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard, including the latest, resolution 1997/4 of 26 March 1997,

Bearing in mind the continued reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People submitted to the Security Council and the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law, Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle to and a grave violation of human rights according to Part I, paragraph 30, of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Affirming that the peace process, which aims to achieve a just, comprehensive and lasting peace, aims at the same time to enable the Palestinian people to achieve their national rights and, principally, their right to self-determination free of external intervention as a basic condition for establishing the long-sought peace,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Occupied Palestinian Territory, including East Jerusalem, and the other Arab territories which it has occupied since 1967 by military force, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-fifth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

20th meeting
27 March 1998
[Adopted by a roll-call vote of 34 votes to 1,
with 18 abstentions. See chap. VII.]

1998/5. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, Recalling its resolution 1997/5 of 26 March 1997,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council and General Assembly resolutions relating to the question of Western Sahara,

Taking note with satisfaction of the entry into force of the ceasefire in Western Sahara in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Taking note also with satisfaction of the agreements reached by the two parties during their private direct talks aimed at the implementation of the settlement plan, and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

Taking note of Security Council resolution 1131 (1997) of 29 September 1997,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/52/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/52/364 and Add.1),

1. Takes note of the report of the Secretary-General;

2. Takes note with satisfaction of the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and faithfully;

3. Urges the two parties to continue their cooperation with the Secretary-General and his Personal Envoy and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation;

4. Commends the Secretary-General and his Personal Envoy for their efforts in reaching these agreements, as well as the two parties for the

cooperation they have shown, and urges them to continue this cooperation in order to facilitate the speedy implementation of the settlement plan;

5. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

6. Reiterates its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;

7. Notes that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-third session;

8. Also notes that the General Assembly has invited the Secretary-General to submit to it at its fifty-third session a report on the implementation of its resolution 52/75 of 10 December 1997.

20th meeting
27 March 1998
[Adopted without a vote. See chap. VII.]

1998/6. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Noting General Assembly resolution 52/112 of 12 December 1997, and recalling its own resolution 1995/5 of 17 February 1995,

Recalling all its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States, *Reaffirming also* that, by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly by its resolution 44/34 of 4 December 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Convinced also that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Takes note* of the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1998/31);

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession;

4. *Calls upon* all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. *Welcomes* the cooperation extended by those countries that have issued invitations to the Special Rapporteur on the question of the use of mercenaries;

6. Also welcomes the adoption by some States of national legislation that restricts the use of mercenaries;

7. Decides to extend the mandate of the Special Rapporteur for three years and also decides that the Special Rapporteur, in carrying out his mandate, shall seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;

8. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

9. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

10. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

11. Requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries;

12. Requests the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the Commission at its fifty-fifth session;

13. Decides to consider at its fifty-fifth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

20th meeting
27 March 1998
[Adopted by a roll-call vote of 35 votes to 9,
with 8 abstentions. See chap. VII.]

1998/7. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, Recalling also its subsequent resolutions, in particular resolution 1997/70 of 16 April 1997, in which it decided to continue its work with a view to adopting the draft declaration at its fifty-fourth session,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Welcomes with deep appreciation the report of the open-ended working group established by the Commission to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1998/98) and, in particular, the fact that the working group was able to complete its task and to submit the text of the draft declaration to the Commission at its fifty-fourth session;

2. Approves the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to the present resolution;

3. Decides to consider this question at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission";

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

31st meeting
3 April 1998
[Adopted without a vote. See chap. XIX.]

Annex

Draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world, Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter of the United Nations,

Acknowledging the important role of international cooperation for and the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated, and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the primary responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political as well as other fields and the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in this Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed, and within which all activities referred to in this Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations nor as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

(a) To meet or assemble peacefully;

(b) To form, join and participate in non-governmental organizations, associations or groups;

(c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge of all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles, and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs, criticism and proposals for improving their functioning and to draw attention to any aspect of their work which may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in this Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms by petitions or other appropriate means to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials, to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or failure to act where required, in violating human rights and fundamental freedoms, and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in this Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be effectively protected under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States which result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms, through peaceful means, in accordance with article 3 of this Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institutions.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education, and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of societies and communities, in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in this Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Likewise, they have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in this Declaration.

Article 20

Nor shall anything in the present Declaration be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

1998/8. Question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling also General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling its resolution 1997/12 of 3 April 1997, in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda are authorized to impose,

Welcoming also the fact that several countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68 and Corr.1 and Add.1-3), with respect to the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned also that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. Welcomes the report of the Secretary-General containing information on changes in law and practice concerning the death penalty worldwide (E/CN.4/1998/82 and Corr.1) and further positive developments reflected in that report;

2. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

3. Urges all States that still maintain the death penalty:

(a) To comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence;

(b) To observe the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50;

4. Calls upon all States that still maintain the death penalty:

(a) Progressively to restrict the number of offences for which the death penalty may be imposed;

(b) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(c) To make available to the public information with regard to the imposition of the death penalty;

5. Requests the Secretary-General to continue to submit to the Commission on Human Rights, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty;

6. Decides to continue consideration of the matter at its fifty-fifth session under the same agenda item.

31st meeting
3 April 1998
[Adopted by a roll-call vote of 26 votes to 13,
with 12 abstentions. See chap. XIII.]

1998/9. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 52/116 of 12 December 1997 and its own decision 1997/104 of 3 April 1997,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights,

Having considered the reports of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1998/83 and E/CN.4/1998/84),

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights, *Recognizing* the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms,

2. *Appeals strongly* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

6. *Also stresses* the importance of fully taking into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the reports of States parties and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

7. *Encourages* States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

8. *Also encourages* States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

9. Invites the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to identify specific needs of States parties that might be addressed through the advisory services and technical cooperation programme of the Office of the United Nations High Commissioner for Human Rights, with the possible participation of members of the Committees where appropriate;

10. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

11. Takes note of General Comment No. 26 adopted by the Human Rights Committee and General Comments Nos. 7 and 8 adopted by the Committee on Economic, Social and Cultural Rights since the fifty-third session of the Commission;

12. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and to make use of gender-disaggregated data in their reports;

13. Also urges States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights;

14. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

15. Once again encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

16. Requests the Secretary-General to consider ways and means of assisting States parties to the International Covenants on Human Rights in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and in the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

17. Also requests the Secretary-General to ensure that the Office of the High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

18. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-fifth and fifty-sixth sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

19. Decides to consider this question at its fifty-fifth session under the agenda item entitled "Status of the International Covenants on Human Rights".

31st meeting
3 April 1998
[Adopted without a vote. See chap. XIII.]

1998/10. Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments of human rights,

Recalling that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Recalling also that the General Assembly, in adopting the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948, recognized genocide as an odious scourge which had inflicted great losses on humanity and was convinced that international cooperation was required to facilitate the speedy prevention and punishment of the crime of genocide,

Concerned that, despite the efforts of the international community, many thousands of innocent human beings continue to be victims of genocide,

Recalling the adoption by the General Assembly of resolution 96 (I) of 11 December 1946, in which it declared genocide to be a crime under international law, contrary to the spirit and aims of the United Nations, Taking into consideration the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968,

Considering that the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide provides a new opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts for the prevention and punishment of the crime of genocide,

1. Reaffirms the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the punishment of the crime of genocide;

2. Expresses its appreciation to all States that have ratified or acceded to the Convention;

3. Invites States that have not yet ratified or acceded to the Convention to consider doing so;

4. Calls upon all States to increase and intensify their activities aimed at the full implementation of the provisions of the Convention.

31st meeting
3 April 1998
[Adopted without a vote. See chap. XIII.]

1998/11. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recalling its resolution 1997/7 of 3 April 1997 and noting General Assembly resolution 52/120 of 12 December 1997,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights, Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the socio-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Calls once again upon all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses and reaffirms the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Welcomes and endorses the recommendation made by the Intergovernmental Group of Experts on the Right to Development, according to which States should avoid the unilateral imposition of coercive economic measures and extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, included among its suggestions for a global strategy for the promotion and implementation of the right to development (see E/CN.4/1998/29, para. 80);

7. Decides to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

8. Requests:

(a) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(b) The Secretary General to bring the present resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-fifth session;

9. Decides to examine this question, on a priority basis, at its fifty-fifth session under the same agenda item.

38th meeting
9 April 1998
[Adopted by a roll-call vote of 37 votes to 7,
with 8 abstentions. See chap. V.]

1998/12. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life, good health and a sound environment for every individual,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991, 1993/90 of 10 March 1993, 1995/81 of 8 March 1995, 1996/14 of 11 April 1996 and 1997/9 of 3 April 1997,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further debates at the regional level, specifically resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people, _Affirming_ that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in African and other developing countries that do not have the national capacity to deal with them in an environmentally sound manner, which constitutes a serious threat to the human rights to life, good health and a sound environment for everyone,

Aware also that many developing countries do not have the national capacity and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. _Takes note_ of the progress report of the Special Rapporteur (E/CN.4/1998/10 and Add.1) and, in particular, the conclusions and recommendations contained therein;

2. _Welcomes_ the report of the Special Rapporteur on her mission to Africa (E/CN.4/1998/10/Add.2) and, in particular, expresses its appreciation to the Governments of Ethiopia and South Africa for the cooperation extended to the Special Rapporteur during her visit to those countries;

3. _Categorically condemns_ the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. _Reaffirms_ that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment for every individual;

5. _Urges_ all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and the Organization of African Unity and other regional organizations to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Takes note of the decision adopted at the Fourth Meeting of the Conference of the Parties to the Basel Convention, held in Kuching, Malaysia, from 23 to 27 February 1998, regarding the illegal traffic in hazardous wastes, which emphasized the need for the parties to cooperate with each other and with the secretariat on alleged cases of illegal traffic, and welcomes the negotiations towards the adoption of a new convention on international trade in hazardous chemicals and pesticides;

8. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur, and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. Urges the international community and the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. Decides to renew the mandate of the Special Rapporteur for a period of three years in order that she may continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

11. Requests the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemical Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and identify loopholes;

12. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission

comprehensive information on persons killed, maimed or otherwise injured in the developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

13. Encourages the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the United Nations High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

14. Urges the Secretary-General to make all necessary resources available to the Special Rapporteur to enable her to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-fifth session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve those human rights".

38th meeting
9 April 1998
[Adopted by a roll-call vote of 33 votes to 14,
with 6 abstentions. See chap. V.]

1998/13. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

I

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50) and of the report of the Working Group on its fifteenth session (E/CN.4/Sub.2/1997/14);

2. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions, including giving priority at its sixteenth session to the theme of education and language;

3. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. Recommends to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the fiftieth session of the Sub-Commission;

5. Invites the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. Requests the Secretary-General:

(a) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II

International Decade of the World's Indigenous People

8. Takes note of the report of the United Nations High Commissioner for Human Rights on activities undertaken for the International Decade of the World's Indigenous People (E/CN.4/1998/107);

9. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade, and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the possible establishment of a permanent forum for indigenous people in the United Nations system;

11. Requests the High Commissioner for Human Rights to consider organizing, taking into account the United Nations Decade for Human Rights Education and the priority to be given including to education and language at the sixteenth session of the Working Group on Indigenous Populations, and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies;

12. Also requests the High Commissioner for Human Rights, in her capacity as Coordinator for the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its

fifty-fifth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

14. Encourages Governments to support the Decade by contributing to the Voluntary Fund for the Decade;

15. Also encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

16. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

17. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

18. Recommends that the High Commissioner for Human Rights, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

19. Encourages the High Commissioner for Human Rights to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

20. Invites the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the Office of the High Commissioner for Human Rights of activities relating to the Decade;

21. Decides to consider the International Decade of the World's Indigenous People at its fifty-fifth session under the agenda item entitled "Indigenous issues".

38th meeting
9 April 1998
[Adopted without a vote. See chap. XXIII.]

1998/14. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. Takes note of the report of the working group (E/CN.4/1998/106 and Corr.1) and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. Recommends that the working group meet for 10 working days prior to the fifty-fifth session of the Commission, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

6. Requests the working group to submit a progress report for consideration by the Commission at its fifty-fifth session under the agenda item entitled "Indigenous issues";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

38th meeting
9 April 1998
[Adopted without a vote. See chap. XXIII.]

1998/15. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, inter alia through the organization of training courses on human rights;

3. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1998/75), and welcomes the fact that some Member States have recently ratified or acceded to the Convention;

4. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

5. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

6. Welcomes the launching of the global campaign for entry into force of the Convention, and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting the Convention;

7. Requests the Secretary-General to submit to the Commission at its fifty-fifth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

8. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

38th meeting
9 April 1998
[Adopted without a vote. See chap. XI.]

1998/16. Migrants and human rights

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Affirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including as to national origin, *Deeply concerned* at the increasing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, customs and culture,

Considering that there is a need to make further efforts to improve the situation and ensure the human rights and dignity of migrants,

Recalling its resolution 1997/15 of 3 April 1997,

1. *Acknowledges* that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. *Requests* States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. *Takes note* of the report of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1998/76);

4. *Notes with appreciation* that the questionnaire submitted by the working group of intergovernmental experts received, in a short period of time, an unprecedentedly large number of responses from Governments, clearly indicating great interest on the part of the international community in the effective realization of the human rights of migrants and the need to improve knowledge on the obstacles to the realization of those rights;

5. *Decides* to reconvene the working group of intergovernmental experts, on the same basis, in order that it may fulfil its mandate as set out in paragraph 3 of Commission resolution 1997/15, to meet for two periods of five working days prior to the fifty-fifth session of the Commission;

6. *Requests* the working group of intergovernmental experts to submit a report to the Commission on Human Rights at its fifty-fifth session under the appropriate agenda item.

38th meeting
9 April 1998
[Adopted without a vote. See chap. XI.]

1998/17. Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Affirming the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

Emphasizing the need for accurate, objective and comprehensive information, as well as for a wide exchange of experiences and lessons learned by individual countries in protecting and promoting the rights and welfare of women migrant workers for policy formulation and joint action,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Recognizing the importance of continued cooperation at the bilateral, regional and international levels in protecting and promoting the rights and welfare of women migrant workers,

1. Takes note of the report of the Secretary-General on violence against women migrant workers (E/CN.4/1998/74);

2. Invites Governments, particularly those of sending and receiving countries, in cooperation with relevant United Nations bodies, other intergovernmental organizations and non-governmental organizations, to undertake further research on the causes and consequences of violence against women migrant workers, including the causes of outflow of women migrant workers, and to develop appropriate national data-collection methodologies that will generate comparable data as bases for research and analyses on the subject;

3. Encourages the Committee on the Elimination of Discrimination against Women to consider developing a general recommendation on the situation of women migrant workers;

4. Requests the working group of intergovernmental experts on the human rights of migrants, within its mandate, to consider the problem of violence against women migrant workers and to elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of women migrant workers;

5. Calls upon concerned Governments, particularly those of sending and receiving countries, if they have not done so, to put in place penal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures that will allow them to be present during the judicial process, as well as establishing reintegration and rehabilitation schemes for returning women migrant workers;

6. Invites the States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

7. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

8. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-sixth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on the expertise of and all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations;

9. Decides to continue its consideration of this question at its fifty-sixth session under the appropriate agenda item.

38th meeting
9 April 1998
[Adopted without a vote. See chap. XI.]

1998/18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, Recalling also General Assembly resolution 36/55 of 25 November 1981, by which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, Part II, paragraphs 22 and 38, of the Vienna Declaration and Programme of Action (A/CONF.157/23), and other relevant international provisions,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. Takes note of the report of the Special Rapporteur on religious intolerance (E/CN.4/1998/6 and Add.1 and 2);

2. Condemns all forms of intolerance and of discrimination based on religion or belief;

3. Encourages the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. Urges States:

(a) To ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women;

(d) To recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(f) To exert their utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(g) To promote and encourage through the educational system, and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. Encourages the continuing efforts by the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures, as appropriate;

7. Stresses the need for the Special Rapporteur to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

8. Calls upon all Governments to cooperate with the Special Rapporteur on religious intolerance and to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

9. Welcomes the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

10. Recognizes that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration;

11. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

12. Decides to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures, as appropriate;

13. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of

religion or belief and to ensure, as a matter of priority, the widest possible dissemination of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session;

15. Decides to continue its consideration of this question at its fifty-fifth session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

39th meeting
9 April 1998
[Adopted without a vote. See chap. XVIII.]

1998/19. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Concerned by the frequency and severity of disputes and conflicts concerning minorities, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, *inter alia*, taking due account of and giving effect to the Declaration,

Welcoming the inter-agency consultation of the United Nations High Commissioner for Human Rights with United Nations programmes and agencies on minority issues,

Recalling its resolution 1995/24 of 3 March 1995, in which the Commission, *inter alia*, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Taking note of Sub-Commission resolution 1997/23 of 27 August 1997,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1998/90), as well as of the report of the Working Group on Minorities on its third session (E/CN.4/Sub.2/1997/18), and in particular the recommendations contained therein;

2. Reaffirms the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recommends that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

6. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

7. Requests the High Commissioner for Human Rights to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. Calls upon the High Commissioner to continue to promote, within her mandate, the implementation of the Declaration and to engage in a dialogue with Governments concerned for that purpose;

9. Calls upon all special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

10. Commends the role of the Working Group on Minorities of the Sub-Commission as an important forum for reviewing the promotion and practical realization of the Declaration, for examining possible constructive solutions to problems involving minorities, and for recommending further measures, as

appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as for its work achieved so far;

11. Decides to extend the mandate of the Working Group with a view to its holding one session of five working days annually;

12. Requests the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

13. Calls again upon States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. Requests the Secretary-General to submit to the Commission at its fifty-fifth session a report on the implementation of the present resolution;

15. Decides to continue its consideration of this question at its fifty-fifth session under the same agenda item.

39th meeting
9 April 1998
[Adopted without a vote. See chap. XVI.]

1998/20. A permanent forum for indigenous people in the United Nations system

The Commission on Human Rights,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered in the framework of the International Decade of the World's Indigenous People,

Recognizing the growing interest and concern for indigenous issues in organizations and departments of the United Nations system, as documented in the report of the Secretary-General on the review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493), and noting the need to ensure coordination and regular exchange of information among the concerned and interested parties - Governments, the United Nations and indigenous people - on an ongoing basis,

Bearing in mind its resolutions 1994/28 of 4 March 1994, 1995/30 of 3 March 1995, 1996/41 of 19 April 1996 and 1997/30 of 11 April 1997, as well as General Assembly resolutions 49/214 of 23 December 1994, 50/157 of 21 December 1995, 51/78 of 12 December 1996 and 52/108 of 12 December 1997,

1. Notes that the General Assembly, in its resolution 52/108, reaffirmed among the objectives of the Decade the consideration of the

establishment of a permanent forum for indigenous people in the United Nations system, and appointed the United Nations High Commissioner for Human Rights as Coordinator for the Decade to promote its objectives;

2. Welcomes the holding at Santiago, from 30 June to 2 July 1997, of the second workshop on the establishment of a permanent forum for indigenous people in the United Nations system, in accordance with Commission resolution 1997/30, and takes note of the report thereon (E/CN.4/1998/11 and Add.1 and 2), including the suggestion that the Commission on Human Rights at its fifty-fourth session should consider how to further the process of the establishment of a permanent forum for indigenous people in the United Nations system, inter alia through the drafting of concrete proposals to that effect and bearing in mind the possibility of submitting the matter to the Economic and Social Council for action;

3. Takes note of the recommendation of the General Assembly, in its resolution 52/108, that the Commission on Human Rights at its fifty-fourth session take into account the outcome of the workshop and the comments received by the High Commissioner for Human Rights from Governments, the relevant United Nations bodies and organizations, and indigenous organizations in its further consideration of the possible establishment of a permanent forum for indigenous people in the United Nations system;

4. Decides to establish an open-ended inter-sessional ad hoc working group, from within existing overall United Nations resources, to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system;

5. Requests the ad hoc working group to take into account in its work the reports of the two workshops and any comments received from Governments, United Nations bodies and organizations, specialized agencies, indigenous organizations and the Working Group on Indigenous Populations, as well as such ideas as the High Commissioner, in her role as Coordinator for the Decade, may wish to present to the ad hoc working group;

6. Also requests the ad hoc working group to submit its report, including proposals, to the Commission at its fifty-fifth session for consideration;

7. Decides that participation in the ad hoc working group will be in accordance with the same procedures as agreed on for the working group established under Commission resolution 1995/32 of 3 March 1995 and set out in the annex thereto;

8. Also decides that non-governmental organizations in consultative status with the Economic and Social Council and other relevant organizations of indigenous people which have the right to participate in the working group established in accordance with Commission resolution 1995/32 will automatically be granted the right to participate in the ad hoc working group established in accordance with the present resolution;

9. Requests that the ad hoc working group meet for five working days prior to the fifty-fifth session of the Commission;

10. Decides to continue its consideration of this matter at its fifty-fifth session under the agenda item entitled "Indigenous issues".

39th meeting
9 April 1998
[Adopted without a vote. See chap. XXIII.]

1998/21. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

The Commission on Human Rights,

Recalling the Preamble to the Charter of the United Nations, which enjoins the peoples of the United Nations to practise tolerance and live together in peace with one another as good neighbours,

Recalling also that the Universal Declaration of Human Rights affirms that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms and shall promote understanding, tolerance and friendship among all nations, and all racial or religious groups,

Recalling further the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23).

Noting that tolerance involves a positive acceptance of diversity and that pluralism encompasses the willingness to accord equal respect to the civil, political, economic, social and cultural rights of all individuals, without distinction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing that tolerance and pluralism strengthen democracy, facilitate the full enjoyment of all human rights and thereby constitute a sound foundation for civil society, social harmony and peace,

Aware that, on the eve of the twenty-first century, the world is witness to historical and far-reaching transformations in the course of which forces of aggressive nationalism, absence of religious tolerance and ethnic extremism continue to produce fresh challenges,

Noting that in a multi-ethnic, multi-religious and multicultural world, no society is beyond the dangers posed by the absence of tolerance and the violence which this can breed,

Conscious that all forms of discrimination, including on ethnic grounds, are factors that promote intolerance and infringe upon human rights and fundamental freedoms, which in turn may threaten democratic pluralism and endanger harmony, peace and stability both within States and internationally,

Convinced that the guiding principles of democratic society, such as equality, the rule of law, accountability of government, the observance of human rights, respect for pluralism and the practice of tolerance, need to be actively promoted by the international community, Recognizing that efforts to promote tolerance require cooperation by States, civil society and individuals,

Recognizing also that promoting a culture of tolerance through human rights education is an objective that must be advanced in all States, and that the Office of the United Nations High Commissioner for Human Rights and mechanisms of the United Nations human rights system have an important role to play in this regard,

1. Condemns unequivocally all violent acts and activities that infringe upon human rights, fundamental freedoms and democracy;

2. Reiterates the obligation of all States and the international community to:

(a) Promote universal respect for and observance of all human rights and fundamental freedoms;

(b) Protect effectively the human rights of all persons belonging to national or ethnic, religious and linguistic minorities without any discrimination and in full equality before the law;

(c) Oppose all forms of discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status in order to promote tolerance and pluralism at the national and international levels;

(d) Take steps to counter all manifestations of hatred, intolerance and acts of violence;

(e) Promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively;

(f) Promote a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, inter alia through education leading to genuine pluralism, a positive acceptance of diversity of opinion and belief, and respect for the dignity of the human person;

3. Calls upon the High Commissioner for Human Rights and her Office to:

(a) Include, in the work programmes of the Office, within overall existing resources, the promotion of tolerance, where appropriate through workshops and seminars, using mass media and non-governmental organizations, and through its programme of advisory services and technical cooperation to assist countries in their national programmes;

(b) Undertake, in that regard, specific educational initiatives and public-awareness activities for the promotion of tolerance and pluralism, within the programmes and activities being implemented as part of the

United Nations Decade for Human Rights Education (1995-2004), the International Decade of the World's Indigenous People (1995-2004) and the Third Decade to Combat Racism and Racial Discrimination (1993-2003);

(c) Advise or assist countries, upon request, through the programme of advisory services and technical cooperation, to put in place effective safeguards, including appropriate legislation, to guarantee the full enjoyment of all human rights by all segments of their population, without discrimination of any kind;

(d) Include details of activities undertaken by the Office of the High Commissioner to implement the present resolution in the report of the High Commissioner to the Commission at its fifty-sixth session;

4. Calls upon the relevant mechanisms of the Commission to:

(a) Attach the highest priority to the effective promotion, at the national and international levels, of the values of democracy, pluralism and tolerance;

(b) Further study situations and conditions that promote intolerance;

(c) Continue efforts aimed at identifying commonly accepted principles and best practice to promote tolerance and pluralism;

5. Welcomes the role of civil society, particularly non-governmental organizations working at the grass-roots level, in disseminating the importance of tolerance and pluralism through their awareness-raising activities;

6. Decides to consider this question at its fifty-sixth session under the appropriate agenda item.

40th meeting
9 April 1998
[Adopted without a vote. See chap. XVI.]

1998/22. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on human rights,

Recalling its resolution 1997/51 of 15 April 1997,

Taking note with satisfaction of the report by the members of the mission sent to Guatemala by the Secretary-General (E/CN.4/1998/93),

Expressing its appreciation to the Government of Guatemala and other actors for their cooperation with the mission appointed by the Secretary-General, which enabled it to carry out its mandate to the full, Acknowledging that institutionally there no longer exists an established State policy that violates human rights or individual guarantees in the country,

Acknowledging also the fundamental contribution that the United Nations Verification Mission in Guatemala (MINUGUA) has made to that end, and in general to the peace process,

Recalling that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations,

Congratulating the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), as signatories to the Agreement on a Firm and Lasting Peace, on the successful implementation of all the aspects concerned with the termination of the internal armed conflict,

Expressing its gratification at the progress achieved in the implementation of the peace agreements in Guatemala, which is considered positive and necessary for the consolidation of democracy and the full realization of human rights, particularly civil and political rights,

Considering that, despite this significant progress, the process of execution of the peace agreements has entered a phase in which further firm and important decisions are necessary in regard to the implementation of substantive aspects contained mainly in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, the Agreement on Social and Economic Aspects and the Agrarian Situation, and the Agreement on the Identity and Rights of Indigenous Peoples,

Requesting all political parties with parliamentary representation in Guatemala to implement the constitutional reforms as soon as possible, in accordance with what was determined in the peace agreements, in order to give them the requisite judicial and constitutional validity,

Considering, in particular, that representatives of the Government of Guatemala jointly with representatives of the Mayan, Garífunas and Xincas organizations are conducting a process of dialogue and negotiation through the joint commissions set up in pursuance of the Agreement on the Identity and Rights of Indigenous Peoples, with the objective of eliminating the long-standing discrimination and exclusion and defining new mechanisms for political, economic, social and cultural participation by the indigenous peoples,

Taking into account the fact that the redefinition of a multicultural, multilingual and multi-ethnic nation, as also the need to give full legal and constitutional validity to the agreements, necessitate the constitutional reforms provided for in the peace agreements,

Calling upon the Government of Guatemala to intensify the policies aimed at improving conditions of public security and administration of justice, especially in the fight against impunity, Expressing its interest in the continuation of progress in dealing with the national agrarian issue and with fiscal policies within the terms and the spirit established in the peace agreements,

Aware of the public security problem and expressing its confidence that, as stated by the Executive, the participation of the armed forces with the National Civil Police and the Public Prosecutor's Office will be temporary and subject to civilian authority,

Expressing its concern about the difficulties that have been encountered in the bringing into force and practical application of the Childhood and Youth Code, in conformity with the Convention on the Rights of the Child,

Considering that Guatemala meets the conditions for moving into a new phase of cooperation and technical assistance and that this must be encouraged,

Taking into account the cooperation programmes with other United Nations bodies from which Guatemala is benefiting,

Welcoming the establishment of a forum for exchange of views between governmental and non-governmental human rights organizations, whose objective must be joint analysis of policies and mechanisms for the promotion and protection of human rights, and urging the participants to consolidate that forum,

1. Commends the work performed by the members of the mission appointed by the Secretary-General, and requests the Government of Guatemala and other actors to take into account the conclusions and recommendations contained in the report of the mission (E/CN.4/1998/93);

2. Declares its support for the actions of MINUGUA, which are contributing to the consolidation of democracy and the effective implementation of the peace agreements, and recommends the extension of the mandate of MINUGUA until the completion of the established timetable;

3. Recognizes the efforts of the Government of Guatemala in the field of human rights, and encourages it further to promote human rights and fundamental freedoms and to intensify policies which will improve public security conditions and the administration of justice, especially in the fight against impunity;

4. Expresses its support for the work of the Commission for Historical Clarification, recommends that the Government of Guatemala collaborate with that Commission by providing it with all the information it requests, and urges the Government to adopt and promote the recommendations formulated in the Commission's final report;

5. Recalls the importance of the provisions contained in the Comprehensive Agreement on Human Rights to the effect that it is a humanitarian duty to compensate and/or assist victims of human rights violations, priority being given to those in greatest need, such as uprooted populations, widows, orphans and relatives of missing persons, through

measures and programmes of a civil and socio-economic nature, and appeals in furtherance of that objective for the cooperation of the international community;

6. Recommends that the Government of Guatemala ratify all international standards for the protection of human rights and establish all the necessary mechanisms for active participation in their application, and that it continue cooperating with the organs and bodies of the United Nations system for the promotion and defence of human rights;

7. Requests the Office of the United Nations High Commissioner for Human Rights, when the agreement on the provision of advisory services in the field of human rights signed between the Office and the Government of Guatemala expires, to renew it, providing assistance particularly to the Office of the Ombudsman, to governmental bodies and to non-governmental organizations for the protection of human rights, of women and of indigenous populations;

8. Encourages the Government of Guatemala to expedite and intensify the provision of assistance and services to the most vulnerable sectors of the population, in conformity with the content and spirit of the peace agreements, particularly the Agreement on Social and Economic Aspects and the Agrarian Situation;

9. Expresses its wish that the structure and goals of tax and fiscal reform, on which the country's development largely depends, be in accordance with the terms established in the peace agreements;

10. Declares its support for the proposals for reform of the judicial system made by the Commission on the Strengthening of the Justice System, so that they may be implemented and progress made, through duly coordinated action with the Public Prosecutor's Office and the National Civil Police, towards solving the problem of public security;

11. Requests the Government of Guatemala and the indigenous peoples' organizations to give effect as soon as possible to the undertakings agreed to in the framework of negotiations and decisions of the joint commissions;

12. Encourages State organisms and all sectors of Guatemalan society to give effect as soon as possible to the commitments entered into with the signing of the Convention on the Rights of the Child;

13. Requests the acceleration of the mechanisms to facilitate the full integration of all demobilized persons into the country's civilian and productive life;

14. Urges the international community, in particular the United Nations, to continue providing, especially in this transitional phase, its support to Guatemala, in order to achieve complete and timely implementation of the agreements signed and full realization of fundamental human rights, supplying and increasing the technical and financial resources necessary for the execution of all the agreements;

15. Decides to conclude its consideration of the human rights situation in Guatemala.

43rd meeting
14 April 1998
[Adopted without a vote. See chap. XVII.]

1998/23. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for his health and well-being, including food,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

Recalling its resolution 1997/8 of 3 April 1997,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political and economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations, which endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international level for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* intolerable that more than 800 million people, especially women and children, throughout the world, and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights;

4. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. *Welcomes* the initiative undertaken by the Office of the United Nations High Commissioner for Human Rights to convene, as requested by the Commission in resolution 1997/8, the Consultation on the Right to Adequate Food, as a concrete and practical response to objective 7.4 (e) of the Plan of Action of the World Food Summit, in order better to define the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights and to propose ways to implement and realize those rights as a means of achieving the commitments of the World Food Summit in objective 7.4 (e), and urges Member States to cooperate fully with the High Commissioner in this effort;

6. *Endorses* the proposal made by the Consultation to have a follow-up meeting in 1998 to pursue the discussions on the content and means of implementation of the rights related to adequate food in order to provide the High Commissioner with a full set of recommendations concerning her response to the request of the World Food Summit in objective 7.4 (e) and, in this regard, invites the High Commissioner to promote and encourage broader participation by experts from Member States, relevant specialized agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations;

7. *Invites* the Committee on Economic, Social and Cultural Rights to consider, draft and adopt a general comment as a contribution to the clarification of the content of the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights, and as part of its input to the meeting proposed in paragraph 6 above;

8. *Requests* the High Commissioner for Human Rights to report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fifth session.

51st meeting
17 April 1998

[Adopted without a vote. See chap. V.]

1998/24. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation and that, despite the improvement in some indicators, the foreign debt burden continues to be intolerable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Stressing that the economic globalization process creates new risks and uncertainties,

Expressing its concern at the continuing decline in levels of official development assistance,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. *Takes note* of the report submitted by the Secretary-General in accordance with Commission resolution 1997/10 of 3 April 1997 (E/CN.4/1998/24);

2. *Stresses* the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market access, stabilization of exchange rates and interest rates, access to financial and capital markets, adequate flows of financial resources and better access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from the foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of the debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for the initiatives on the foreign debt, in particular the Debt Initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of these initiatives;

7. Emphasizes also the need for new flows of financial resources to the indebted developing countries, and urges the creditor countries and the international financial institutions to increase financial assistance on favourable terms as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Decides, in particular in the light of recent trends, to appoint, for a three-year period, a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights;

9. Requests the Special Rapporteur to present to the Commission, on an annual basis, beginning at its fifty-fifth session, an analytical report on the implementation of the present resolution, paying particular attention to:

(a) The negative effects of the foreign debt and the policies adopted to face it on the full enjoyment of economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

10. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions;

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11. Urges Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Special Rapporteur in the discharge of his or her mandate;

12. Recognizes that there is a need for more transparency in the activities of international financial institutions;

13. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

14. Requests the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular the least developed countries, and especially the social impact of the measures arising from the foreign debt;

15. Decides to continue its consideration of this matter at its fifty-fifth session under the appropriate agenda item.

51st meeting
17 April 1998
[Adopted by 27 votes to 16,
with 9 abstentions. See chap. V.]

1998/25. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned that, in the year of the fiftieth anniversary of the Universal Declaration of Human Rights, extreme poverty continues to spread throughout the world, regardless of economic, social or cultural situations, and that its extent and manifestations are particularly severe in developing countries,

Bearing in mind the relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23),

Recalling its resolution 1997/11 of 3 April 1997, in which, inter alia, it expressed its satisfaction to the Special Rapporteur, Mr. Leandro Despouy, for his final report on human rights and extreme poverty, Recalling also General Assembly resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the United Nations Decade for the Eradication of Poverty (1997-2006),

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind, and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical, social, political and economic imperative of humankind,

Noting with appreciation the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11),

Noting with satisfaction the report of the United Nations High Commissioner for Human Rights (E/CN.4/1998/122),

Welcoming the launching of a plan of action by the Microcredit Summit held in Washington, D.C., in February 1997, to give people living in poverty, particularly women, access to credit for the promotion of self-employment by 2005,

1. Reaffirms that:

(a) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) It is essential for States to foster participation by the poorest people in the decision-making process in their communities, in the realization of human rights and in efforts to combat extreme poverty, and for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, particularly the planning and implementation of policies that affect them, so enabling them to become genuine partners in development;

2. Recalls that:

(a) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(b) In its resolution 1997/11, it requested the High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, ensure better cooperation between the institutions and bodies involved, regularly inform the General Assembly of the evolution of the question and submit specific information on this question at events such as the evaluation of the World Conference on Human Rights planned for 1998, the special session of the General Assembly devoted to conclusions of the World Summit for Social Development, scheduled for 2000, and the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

3. Requests the High Commissioner for Human Rights to include in the mid-term evaluation report on the Vienna Declaration and Programme of Action the progress made regarding the full enjoyment of all human rights and the alleviation of extreme poverty in accordance with the relevant provisions of the Declaration;

4. Calls upon:

(a) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between extreme poverty and human rights, as well as the efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

5. Invites:

(a) The treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

(b) States, the organs of the United Nations system, particularly the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, and intergovernmental and non-governmental organizations to focus the activities undertaken for the International Day for the Eradication of Poverty, 17 October 1998, on "Poverty, human rights and development", the theme chosen for 1998 in the context of the United Nations Decade for the Eradication of Poverty;

6. Decides to appoint, for a period of two years, an independent expert on the question of human rights and extreme poverty to:

(a) Evaluate the relationship between the promotion and protection of human rights and extreme poverty, including through the evaluation of measures taken at the national and international levels to promote the full enjoyment of human rights by persons living in extreme poverty;

(b) Take into account in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights;

(c) Make recommendations and, as appropriate, proposals in the sphere of technical assistance;

(d) Report on these activities to the Commission on Human Rights at its fifty-fifth and fifty-sixth sessions and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

(e) Contribute to the General Assembly's evaluation in 2000 of the World Summit for Social Development by making his or her final report and conclusions available to the preparatory committee for the special session of the General Assembly devoted to that evaluation;

(f) Make suggestions to the Commission on Human Rights at its fifty-fifth session on the main points of a possible draft declaration on human rights and extreme poverty so that the Commission can consider the possibility of initiating at the fifty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities the drafting by that body of a text for examination by the Commission and possible adoption by the General Assembly, and to take into account in that regard, *inter alia*, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna Declaration and Programme of Action, the Copenhagen Declaration and Programme of Action of the World Summit for Social Development, the Agenda for Development and the final report of the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13);

7. *Also decides* to consider this question at its fifty-fifth session under the agenda item;

8. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 10.]

51st meeting
17 April 1998
[Adopted by a roll-call vote of 51 votes to 1.
See chap. V.]

1998/26. *Racism, racial discrimination, xenophobia and related intolerance*

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming further its resolution 1997/73 of 18 April 1997 and recalling General Assembly resolutions 51/79 of 12 December 1996 and 52/109 and 52/111 of 12 December 1997, as well as resolution 1997/5 of 21 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination against, inter alia, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against crimes perpetrated by racist or xenophobic individuals or groups,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families, Noting the report of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1998/76),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Noting General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Third Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1998/79),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Underlining the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Noting that, in its resolution 52/111, the General Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related intolerance, to be held not later than 2001,

Noting also that, in the same resolution, the Assembly decided that the Commission on Human Rights will serve as the preparatory committee for the World Conference, Considering that the World Conference should be action-oriented and aimed at the eradication of contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

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General

1. Expresses its profound concern and unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

2. Declares that racism and racial discrimination are amongst the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

4. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

5. Calls upon all States to review and, where necessary, revise their immigration policies with a view to eliminating all discriminatory policies and practices against migrants, which are inconsistent with international human rights instruments;

6. Condemns all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health services and social services;

7. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

8. Urges Governments to take all necessary measures against incitement to racial hatred, including through print, audio-visual and electronic media;

9. Calls upon all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and notes the conclusions and recommendations of the Special Rapporteur in this regard, including those on the importance of integration of vulnerable groups in mainstream societies;

10. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

11. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

12. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

13. Takes note with interest of general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights, and recalled in article 5 of the Convention;

II

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

14. Takes note of the report of the Secretary-General on racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1998/77 and Add.1 and 2);

15. Regrets the continued lack of interest, support and financial resources for the Third Decade and the Programme of Action, and that very few of the activities planned for the period 1994-1997 were carried out;

16. Recognizes the laudable and generous efforts by donors that have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

17. Regrets that a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination was not presented at the fifty-second session of the General Assembly and urges the Secretary-General to submit the said report to the Assembly at its fifty-third session, and reiterates its request to the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

18. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

19. Reiterates its request to the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Office of the High Commissioner as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

20. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it also considers an issue of particular gravity;

21. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

III

Follow-up activities

22. Welcomes the convening in Geneva of two seminars, from 5 to 9 May 1997 on immigration, racism and racial discrimination, and from 10 to 14 November 1997 on the role of the Internet in the light the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and takes note of the conclusions and recommendations contained in the reports of the seminars (E/CN.4/1998/77/Add.1 and 2);

23. Also welcomes the holding in Cotonou, on 5 and 6 June 1997, of the International Meeting of Experts on all forms of discrimination based on racial or national origin or on any other grounds in sub-Saharan Africa and the work of the Council of Europe in combating racism, racial discrimination and related intolerance;

24. Invites States to ensure that the competence of their institutions which deal with the promotion and protection of human rights encompasses issues linked to the struggle against racism and racial discrimination, and to promote cooperation, understanding and the exchange of experience among them;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

25. Takes note of the report of the Special Rapporteur (E/CN.4/1998/79);

26. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

27. Requests the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

28. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

29. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against, inter alia, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

30. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

31. Commends those States that have so far invited and received the Special Rapporteur;

32. Invites the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-fifth session, under the same agenda item, information on the measures taken to implement those recommendations, and to undertake follow-up visits, if necessary;

33. Notes with concern the increase in the use of new technologies in communications, in particular the Internet, to disseminate racist ideas and incite racial hatred;

34. Notes that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance;

35. Requests the High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

36. Urges the High Commissioner for Human Rights to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

V

International Convention on the Elimination of All Forms of Racial Discrimination

37. Appeals to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

38. Recommends that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the reservations thereto and the question of recognition of the competence of the Committee on the Elimination of Racial

Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

39. Calls upon States parties that have not submitted initial or periodic reports in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination to do so;

40. Urges States to limit the extent of any reservations they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

41. Calls upon States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

42. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

VI

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

43. Takes note of the statement by the Secretary-General on the programme budget implications of General Assembly resolution 52/111 (A/C.3/52/L.74), according to which the preparatory process for the World Conference would include preparatory committee meetings for a period of five working days immediately after the annual sessions of the Commission on Human Rights in 2000 and 2001;

44. Decides to create an open-ended working group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee at its first session;

45. Recommends that the General Assembly request the Secretary-General to designate as Secretary-General of the World Conference the United Nations High Commissioner for Human Rights, who, in that capacity, would assume the main responsibility for the preparations for the Conference;

46. Invites the Secretary-General of the World Conference to carry out consultations with States aimed at determining the date and venue for the Conference and to report to the Preparatory Committee on the results;

47. Invites the High Commissioner for Human Rights to devise and implement, with the Department of Public Information of the Secretariat, a world information campaign aimed at sensitizing world public opinion on the importance and objectives of the Conference, to publish in all the official

languages an information pamphlet to be made available to non-governmental organizations, the media and the general public, and to inform the Preparatory Committee of developments in this regard;

48. Invites States and regional organizations to set up at the national or regional level a coordination structure responsible for launching and promoting preparations for the World Conference, and especially for sensitizing national public opinion on the importance and objectives of the Conference;

49. Urges the High Commissioner for Human Rights to help States and regional organizations to convene national and regional meetings or undertake other initiatives, including at the expert level, to prepare for the World Conference, and requests the regional preparatory meetings to present to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the draft final documents to be prepared by the Preparatory Committee;

50. Invites non-governmental organizations to participate fully, in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996, in the preparatory process and, in accordance with the objectives of the Conference and on the basis of their experience, to make concrete proposals regarding action to be undertaken in future, directly or working with Governments, aimed at fighting the scourge of racism, and to submit their recommendations in this regard to the Preparatory Committee through the High Commissioner;

51. Invites the Committee on the Elimination of Racial Discrimination to give high priority to the preparatory process for the World Conference, to present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and at the Conference itself;

52. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to submit its recommendations to the Commission at its fifty-fifth session and, through the Commission, to the Preparatory Committee;

53. Invites the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, beginning with his report to the Commission at its fifty-fifth session, to draw on his extensive field experience, knowledge and studies to contribute to the work of the Preparatory Committee, including by identifying major issues to be considered within the framework of the objectives of the Word Conference;

54. Invites the relevant bodies and mechanisms of the United Nations, the specialized agencies and regional and international organizations to contribute effectively to the preparatory process for the World Conference and to forward their recommendations to the Preparatory Committee through the High Commissioner;

55. Invites the High Commissioner for Human Rights to submit to the Commission at its fifty-fifth session, within existing financial resources, a preliminary analytical study on the objectives of the World Conference as identified by the General Assembly;

56. Requests the High Commissioner for Human Rights to inform the Preparatory Committee of the steps taken to prepare the World Conference;

57. Invites the High Commissioner for Human Rights to submit to the Commission at its fifty-fifth session and to the Preparatory Committee at its first session a compendium of references to publications and other works by experts and United Nations, regional and other bodies on the fight against racism, racial discrimination, xenophobia and related intolerance;

58. Recommends that the General Assembly declare 2001 a year of mobilization against racism, racial discrimination, xenophobia and related intolerance with the aim of drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment;

59. Also recommends that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused towards the preparatory process for the World Conference and, in this regard, recommends that the High Commissioner for Human Rights organize symposia, seminars and worldwide consultations in 1998, 1999, 2000 and 2001 on racism, racial discrimination, xenophobia and related intolerance;

60. Further recommends that the World Conference result in a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance;

61. Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and in the outcome of the World Conference;

62. Requests the Secretary-General to submit a report to the Commission at its fifty-fifth session on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and related intolerance";

63. Decides to continue its consideration of this question at its fifty-fifth session under the same agenda item.

51st meeting
17 April 1998
[Adopted without a vote. See chap. XII.]

1998/27. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Taking note of General Assembly resolutions 51/87 of 12 December 1996 and 52/118 of 12 December 1997, and recalling its own resolution 1996/22 of 19 April 1996 and its decision 1997/105 of 3 April 1997, as well as other relevant resolutions,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Reiterating its concern about the large number of overdue reports under the United Nations human rights instruments,

Reiterating also its concern about the increasing backlog of reports on the implementation by States parties of certain United Nations human rights instruments and about delays in consideration of reports by treaty bodies,

Concerned that the lack of adequate resources impedes the effective functioning of the treaty bodies, including in regard to their ability to work in the applicable working languages,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under the United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems and should be based on the reporting process supplemented by information from all relevant sources, which should be shared with all interested parties,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

1. Welcomes the reports of the seventh and eighth meetings of the persons chairing the human rights treaty bodies, held at Geneva from 16 to 20 September 1996 and from 15 to 19 September 1997, respectively (A/51/482, annex, and A/52/507, annex), and the holding of the ninth meeting at Geneva from 25 to 27 February 1998, and takes note of the conclusions and recommendations of those meetings;

2. Encourages each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the persons chairing the human rights treaty bodies;

3. Takes note of the report of the Secretary-General on the effective functioning of bodies established pursuant to United Nations human rights instruments (E/CN.4/1998/85 and Corr.1 and Add.1);

4. Welcomes the submission of comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74) and the Secretary-General's report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations;

5. Notes with appreciation the attention given by the human rights treaty bodies and the persons chairing those bodies to the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system and to the Secretary-General's report on the comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons;

6. Invites the Secretary-General to continue to solicit the views of Governments, United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, taking into account further developments, to the Commission at its fifty-sixth session;

7. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Also calls upon the Secretary-General to seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

8. Notes with interest the proposal for a plan of action to enhance the resources available to all the human rights treaty bodies, and encourages the United Nations High Commissioner for Human Rights to prepare a draft plan of action for consideration by the persons chairing the treaty bodies at their next meeting;

9. Takes note of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and urges continuing efforts by the human rights treaty bodies

and the Secretary-General to help improve the meeting of reporting obligations by States parties and to reduce the backlog in the consideration of reports by treaty bodies;

10. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the next meeting of the persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

11. Takes note with appreciation of the efforts of the persons chairing the human rights treaty bodies to promote appropriate reforms of the reporting system with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through ongoing examination of the proposal for reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

12. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

13. Also urges States parties to make every effort to meet their reporting obligations under United Nations human rights instruments;

14. Welcomes the publication of the revised Manual on Human Rights Reporting, and requests the High Commissioner for Human Rights to take the necessary measures to ensure that the revised Manual is translated into all the official United Nations languages at the latest by 31 December 2000;

15. Also welcomes the recommendation made at the meetings of the persons chairing the human rights treaty bodies that a priority of the technical cooperation programme of the Office of the United Nations High Commissioner for Human Rights should be to provide assistance to States parties, upon their request, with the implementation of their obligations under United Nations human rights instruments and, in particular, the recommendation made at the ninth meeting concerning the provision of assistance to States, upon their request, in the process of ratifying such instruments and the preparation of initial reports;

16. Invites States parties that have not yet submitted their initial reports under United Nations human rights instruments to avail themselves, where necessary, of technical assistance;

17. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the

periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

18. Urges each State party whose report has been examined by a human rights treaty body to translate, publish and make available in its territory the full text of the concluding observations of the treaty body on its report and to provide adequate follow-up to those observations;

19. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and encourages the specialized agencies and United Nations bodies, the Office of the High Commissioner for Human Rights and the persons chairing the human rights treaty bodies to continue to explore specific measures to intensify the cooperation among them, and also encourages in this context meetings of the persons chairing the human rights treaty bodies to invite, when appropriate, senior representatives of the specialized agencies and United Nations bodies to attend their meetings;

20. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

21. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate and, in this regard, welcomes the request of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women of the Secretariat should prepare a study, for use by the High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives in its work and making practical suggestions about what each could do further to incorporate gender perspectives;

23. Also welcomes the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

24. Encourages the persons chairing the human rights treaty bodies to pursue at their next meeting the reform process aimed at improving the effective implementation of international instruments on human rights;

25. Requests the Secretary-General to report to the Commission at its fifty-sixth session on measures taken to implement the present resolution and

obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

26. Decides to consider this question on a priority basis at its fifty-sixth session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

51st meeting
17 April 1998
[Adopted without a vote. See chap. XIV.]

1998/28. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling its previous relevant resolutions, in particular resolutions 1992/66 of 4 March 1992 and 1997/22 of 11 April 1997, as well as the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 and E/CN.4/1998/88),

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the expert views and perspectives of independent members, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Welcomes further steps undertaken by the Sub-Commission to reform and improve its methods of work, in particular:

(a) The process of restructuring its agenda during its forty-ninth session;

(b) The efforts made during its forty-ninth session to implement its decision 1996/114 of 29 August 1996 to achieve a compilation of the existing rules of procedure and procedural questions to be resolved;

(c) The decision to limit the initiation of new studies (decision 1996/113 of 29 August 1996) and the adoption of criteria for new studies (decision 1997/112 of 27 August 1997);

(d) The establishment of a sessional working group on the methods of work of the Sub-Commission (decision 1997/104 of 5 August 1997);

(e) The efforts made during its forty-ninth session to enhance its cooperation with all relevant bodies;

3. Takes note with interest of Sub-Commission decisions 1996/115 of 29 August 1996 and 1997/113 of 27 August 1997, and invites the Sub-Commission to continue its efforts to avoid duplication with the work of the Commission on Human Rights,

4. Requests the Sub-Commission further to improve its efficiency, taking into account the views of Member States, and, in this context, calls upon the Sub-Commission and its members:

(a) To focus on its primary role as an advisory body of the Commission on Human Rights;

(b) To give particular attention to the selection of studies, taking into account recommendations of the Commission and of treaty bodies, and, when choosing subjects for study, to explain the choice made so as to enable the Commission adequately to assess the need for that study, and to complete all studies within a reasonable time;

(c) To adhere strictly to the principles of independence, impartiality and expertise;

(d) To facilitate efficient and effective participation of non-governmental organizations;

(e) To improve consultations with special rapporteurs undertaking studies for the Sub-Commission;

(f) Further to enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies and relevant United Nations research institutions;

(g) To focus strictly on questions relating to human rights in accordance with its mandate;

5. Calls upon States to nominate as members of the Sub-Commission and alternates independent experts of recognized competence in the field of human rights, as well as to respect fully the independence of elected members and alternates;

6. Requests States nominating candidates for the Sub-Commission to submit nominations sufficiently early so as to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

7. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all the official United Nations languages in good time before each session;

8. Also requests the Secretary-General, in responding to requests from the Sub-Commission to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they have been approved by the Commission on Human Rights;

9. Takes note of Sub-Commission resolution 1997/17 of 27 August 1997 and:

(a) Calls upon the Sub-Commission to devote sufficient time at its fiftieth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission on Human Rights;

(b) Authorizes the Sub-Commission to organize its four-week session so that it shall not hold more than 30 public meetings;

(c) Decides that, for the balance of the session, the Sub-Commission shall meet in private session to consider the implementation of the present resolution and other appropriate issues;

(d) Requests the Sub-Commission to report to the Commission on Human Rights on the results of this method of organization;

10. Invites the Chairman of the Commission to address the Sub-Commission about the debate under this item;

11. Requests the Chairman of the Sub-Commission at its fiftieth session to report to the Commission at its fifty-fifth session on significant aspects of the work of the Sub-Commission.

51st meeting
17 April 1998
[Adopted without a vote. See chap. XV.]

1998/29. Minimum humanitarian standards

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and breaches of the principles of humanity and undermines the protection of human rights,

Conscious of the desirability of continuing to study the principles of humanity governing the behaviour of all persons, groups and public authorities, Emphasizing, in this regard, the need to identify and implement measures to prevent violations and abuses of human rights and fundamental freedoms, in particular the right to life and integrity of the individual,

Recalling its resolution 1997/21 of 11 April 1997 and welcoming the analytical report of the Secretary-General on the issue of fundamental standards of humanity (E/CN.4/1998/87 and Add.1),

1. Recognizes the desirability of identifying fundamental standards of humanity applicable in all situations in a manner consistent with international law, including the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Welcomes the discussion on the various issues involved as set out in the analytical report of the Secretary-General and invites Governments, United Nations bodies, the human rights treaty bodies, mechanisms of the Commission on Human Rights and intergovernmental organizations, as well as regional organizations and non-governmental organizations, to comment on these issues;

4. Recognizes that the analytical report identifies issues that need further study;

5. Requests the Secretary-General, in coordination with the International Committee of the Red Cross and within existing resources, to continue to study and consult on the issues identified for further clarification in the analytical report and to submit a report entitled "Fundamental standards of humanity" to the Commission at its fifty-fifth session.

51st meeting
17 April 1998
[Adopted without a vote. See chap. XV.]

1998/30. Traffic in women and girls

The Commission on Human Rights,

Recalling all previous resolutions on the problem of the traffic in women and girls adopted by the General Assembly and the Commission on Human Rights, as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Reaffirming the provisions adopted by the World Conference on Human Rights, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelter for trafficked women and children, and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girls who are being victimized by traffickers, and acknowledging that trafficking also victimizes young boys,

Stressing the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which are violations of the human rights of women and girls and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

1. Takes note with appreciation of the report of the Secretary-General on the traffic in women and girls (A/52/355);

2. Welcomes national, regional and international efforts to implement the recommendations of the World Congress against Commercial Sexual Exploitation of Children, and calls upon Governments to take further measures in that regard;

3. Calls upon Governments to criminalize trafficking in women and girls in all its forms, to condemn and penalize all the offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices are not penalized, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

4. Also calls upon Governments of countries of origin, transit and destination and appropriate regional and international organizations to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercial sex, and strengthening existing legislation with a view to providing better protection of the rights of women and girls and punishing the perpetrators through criminal and civil measures;

(c) Increasing cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

5. Invites Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of the victims;

6. Encourages relevant United Nations bodies and organizations, including the United Nations International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Children's Fund, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Organization for Migration, to contribute to the preparation of guidelines for the use of Governments in the elaboration of their manuals, in cooperation with relevant intergovernmental and non-governmental organizations;

7. Encourages the Office of the United Nations High Commissioner for Human Rights to continue to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

8. Invites the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the sale of children, child prostitution and child pornography of the Commission on Human Rights and the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue addressing, within their respective mandates, the problem of trafficking in women and girls as a priority concern, and to recommend, in their reports, measures to combat such phenomena;

9. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training personnel who will be directly involved in the implementation of those programmes;

10. Requests the Secretary-General to provide the Commission, at its fifty-fifth session, with his report to the General Assembly at its fifty-third session on the implementation of General Assembly resolution 52/98 of 12 December 1997;

11. Decides to continue its consideration of this question at its fifty-fifth session under the appropriate agenda item.

51st meeting
17 April 1998
[Adopted without a vote. See chap. XV.]

1998/31. Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, as laid down, inter alia, in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (Convention No. 159) of the International Labour Organization,

Recalling also the report of the Secretary-General to the General Assembly on the third quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons (A/52/351),

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Mindful of the unreserved reaffirmation in the Vienna Declaration and Programme of Action and by the Fourth World Conference on Women of the human rights and fundamental freedoms of persons with disabilities, as well as the recognition in the Programme of Action of the International Conference on Population and Development and the Programme of Action of the World Summit for Social Development of a pressing need for, inter alia, the realization of the goals of full participation and equality for persons with disabilities,

Reaffirming its resolution 1996/27 of 19 April 1996 on the human rights of persons with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, by which the Assembly adopted the Standards Rules on the Equalization of Opportunities for Persons with Disabilities,

Noting the final report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (A/52/56, annex),

Reaffirming Economic and Social Council resolutions 1997/19 of 21 July 1997 on equalization of opportunities for persons with disabilities and 1997/20 of 21 July 1997 on children with disabilities, Recalling General Assembly resolution 52/107 of 12 December 1997, in which the Assembly called for the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities,

Welcoming initiatives to hold international conferences relating to persons with disabilities, particularly the holding of the Fifth World Assembly of Disabled People's International at Mexico City in December 1998, on the theme "Towards an inclusive twenty-first century",

Re-emphasizing the responsibility of Governments for removing or facilitating the removal of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Noting the reports of Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Office of the United Nations High Commissioner for Human Rights publication Human Rights and Disabled Persons, in which international mechanisms for the promotion and protection of the human rights of persons with disabilities, such as an ombudsman, are proposed,

Noting also the International Labour Organization survey of the law and practice of States parties to Convention No. 159,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. Recognizes that any violation of the fundamental principle of equality or any discrimination or other negative differential treatment of persons with disabilities inconsistent with the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities;

2. Calls upon the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

3. Welcomes the renewal of the mandate of the Special Rapporteur on disability of the Commission for Social Development, and thanks him for addressing the Commission on Human Rights in the year of the fiftieth anniversary of the Universal Declaration of Human Rights;

4. Invites the Special Rapporteur of the Commission for Social Development to address the Commission on Human Rights at its fifty-sixth session;

5. Takes note of the global survey of government action on disability policy published in 1997 by the office of the Special Rapporteur on disability;

6. Calls upon States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

7. Encourages non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities to cooperate closely with each other and to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Office of the High Commissioner for Human Rights;

8. Also encourages such non-governmental organizations to avail themselves of the technical assistance of the Office of the High Commissioner for Human Rights to assist them to function effectively in the human rights sphere;

9. Encourages Governments to support non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities;

10. Recognizes the right of persons with disabilities, individually and collectively, to form and become members of organizations of persons with disabilities and the right of such organizations to speak for and act as legitimate representatives of their members;

11. Encourages all the human rights treaty monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities, and urges Governments to cover fully the question of the human rights of persons with disabilities in complying with reporting obligations under the relevant United Nations human rights instruments;

12. Invites all special rapporteurs, in carrying out their mandates, to take into account the situation and human rights of persons with disabilities;

13. Urges Governments to implement, with the cooperation and assistance of relevant organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, having particular regard for the needs of women, children and persons with developmental and psychiatric disabilities in order to guarantee their human dignity and integrity;

14. Invites Governments and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

15. Requests the Secretary-General to continue to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond;

16. Expresses grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

17. Welcomes increased international efforts in various forums with respect to anti-personnel mines, and in this regard takes due note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and its implementation by those States that become parties to it, as well as of the amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;

18. Calls upon all States and relevant United Nations bodies, including the Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and rehabilitation, thereby reducing the number and the plight of victims;

19. Encourages the development of programmes for persons with disabilities to enable them to develop their potential to participate fully in all aspects of society;

20. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

21. Also requests the Secretary-General to make available to the Commission at its fifty-fifth session the latest report of the Special Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

22. Calls upon the United Nations Development Programme and all intergovernmental institutions for development cooperation to integrate disability measures into their mainstream activities;

23. Requests that all United Nations organizations and specialized agencies address the problems that exist in creating equal opportunities for persons with disabilities at all levels;

24. Encourages Governments to work towards developing appropriate education policies and practices for children and adults with disabilities, to include persons with disabilities in strategies and plans aimed at eradicating poverty, promoting education and enhancing employment, and to take account of the right of persons with disabilities to housing, shelter, transport and supportive equipment;

25. Invites the International Labour Organization, in cooperation with Governments and intergovernmental bodies, to take the lead internationally in formulating policies and strategies that will lead to equal job opportunities;

26. Invites Governments and non-governmental organizations to collect and collate appropriate information and data on persons with disabilities to assist in the formulation of effective policies to address issues of equality;

27. Recommends that the Office of the High Commissioner for Human Rights take account of information on legislation affecting the human rights of persons with disabilities which has been collected by the Special Rapporteur on disability of the Commission for Social Development;

28. Reaffirms its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work;

29. Decides to continue its consideration of this question at its fifty-sixth session under the agenda item entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

51st meeting
17 April 1998
[Adopted without a vote. See chap. XV.]

1998/32. Privatization of prisons

The Commission on Human Rights,

Taking note of resolution 1997/26 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having taken note of the working paper submitted by Mr. Miguel Alfonso Martínez pursuant to Sub-Commission decision 1989/110 of 1 September 1989 (E/CN.4/Sub.2/1991/56) and the outline prepared by Ms. Claire Palley on the subject pursuant to Sub-Commission decision 1992/107 of 27 August 1992 (E/CN.4/Sub.2/1993/21),

Recalling its resolution 1997/22 of 11 April 1997, in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies to be undertaken,

Reiterating that studies to be undertaken by members of the Sub-Commission should be based on extended working papers, in which the subject of the proposed study is clearly identified,

Reiterating also that special rapporteurs of the Sub-Commission should be members of the Sub-Commission or their alternates, Requests to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider its recommendation to appoint a special rapporteur on the privatization of prisons.

51st meeting
17 April 1998
[Adopted without a vote. See chap. XV.]

1998/33. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling its resolution 1997/17 of 11 April 1997 on the realization of economic, social and cultural rights in general, and all other relevant resolutions,

Stressing the importance of the realization of economic, social and cultural rights in the context of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Welcomes:

(a) All relevant reports of the United Nations High Commissioner for Human Rights on economic, social and cultural rights;

(b) The relevant activities of intergovernmental and non-governmental organizations;

(c) The work, with special incidence on the visibility, promotion and protection of economic, social and cultural rights, carried out in the framework of the follow-up to relevant United Nations conferences, such as the World Summit for Children (1990), the United Nations Conference on Environment and Development (1992), the World Conference on Human Rights (1993), the International Conference on Population and Development (1994), the World Summit for Social Development (1995), the Fourth World Conference on Women (1995), the United Nations Conference on Human Settlements (1996) and the World Food Summit (1996);

2. Notes with interest:

(a) The report of the Secretary-General pursuant to Commission resolution 1997/17 (E/CN.4/1998/25);

(b) All resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights, in particular its resolution 1997/7 of 22 August 1997 on the realization of the right to education, including education in human rights;

(c) The work carried out by the Committee on Economic, Social and Cultural Rights;

(d) The proposals adopted by the Committee on Economic, Social and Cultural Rights at its last sessions to enhance the central role played by the Committee in the promotion and protection of economic, social and cultural rights, namely (i) aiming at the adoption and implementation of a programme of action for the Committee and (ii) recommending to the Commission the appointment of a special rapporteur on economic, social and cultural rights;

(e) The recommendations adopted by the open-ended working group on structural adjustment programmes and economic, social and cultural rights;

3. Reaffirms:

(a) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights;

(b) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(c) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(d) The universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(e) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

(f) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

4. *Calls upon* all States:

(a) To give full effect to the universality of economic, social and cultural rights;

(b) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(c) To secure, through national development policies and with international assistance and cooperation, full respect for economic, social and cultural rights, giving priority to the individuals, most often women and girl children, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(d) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(e) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

5. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(b) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

6. *Decides*:

(a) As part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to education, as laid down in article 26 of the Universal Declaration of Human Rights and in the relevant and applicable provisions of the International Covenant on Economic, Social and Cultural Rights, and would comprise the following:

(i) To report on the status, throughout the world, of the progressive realization of the right to education, including access to primary education, and the difficulties encountered in the implementation of this right, taking into account information and comments received from Governments, organizations and bodies of the United Nations system, other relevant international organizations and non-governmental organizations;

(ii) To promote, as appropriate, assistance to Governments in working out and adopting urgent plans of action, wherever they do not exist, to secure the progressive implementation, within a reasonable number of years, of the principle of compulsory primary education free of charge for all, bearing in mind, inter alia, levels of development, the magnitude of the challenge and efforts by Governments;

(iii) To take into account gender considerations, in particular the situation and needs of the girl child, and to promote the elimination of all forms of discrimination in education;

(iv) To make his or her reports available to the Commission on the Status of Women whenever they concern the situation of women in the field of the right to education;

(v) To develop a regular dialogue and discuss possible areas of collaboration with relevant United Nations bodies, specialized agencies and international organizations in the field of education, inter alia the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the United Nations Conference on Trade and Development and the United Nations Development Programme, and with international financial institutions, such as the World Bank;

(vi) To identify possible types and sources of financing for advisory services and technical cooperation in the field of access to primary education;

(vii) To ensure, to the extent possible, coordination and complementarity with the work carried out in the framework of Sub-Commission resolution 1997/7, in particular the working paper on the right to education to be prepared by Mr. Mustapha Mehedi;

(viii) To submit to the Commission on Human Rights, beginning at its fifty-fifth session, a report covering the activities relating to this mandate;

(b) To invite the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission on Human Rights information pertaining to their activities in promoting primary education, with specific reference to women and girls;

(c) To request the High Commissioner for Human Rights to urge all States parties to the International Covenant on Economic, Social and Cultural Rights to submit their comments on the report by the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex);

(d) To support the efforts carried out by the High Commissioner for Human Rights to implement the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States' reports and, accordingly, to request States parties to the International Covenant on Economic, Social and Cultural Rights to make voluntary financial contributions to ensure the adequate implementation of that programme of action;

7. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his mandate;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 13.]

51st meeting
17 April 1998
[Adopted by 52 votes to 1. See chap. V.]

1998/34. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text submitted by the Government of Costa Rica at the Commission's forty-seventh session (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

Recalling also the subsequent resolutions on the subject, in particular Economic and Social Council resolution 1997/49 of 22 July 1997, in which the Council authorized the working group to hold a new session in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, intended to establish a preventive system of regular visits to places of detention,

Considering that a final text of a draft optional protocol could be completed in one more session of the open-ended working group, given the substantial progress made during the last session,

1. Takes notes with appreciation of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1998/42 and Corr.1), and warmly welcomes the progress made during the working group's sixth session;

2. Requests the open-ended working group, in order to continue its work, to meet prior to the fifty-fifth session of the Commission for a period of two weeks, in the course of which the Chairman of the working group, in consultation with the members of the group, may request one additional week with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-fifth session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all necessary facilities to the working group for its session prior to the fifty-fifth session of the Commission;

6. Encourages the Chairman of the working group to conduct informal consultations with all interested parties, prior to the next session of the working group, in order to present a consolidated text for its consideration;

7. Decides to examine the report of the working group at its fifty-fifth session under the sub-item "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

8. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/35. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the

United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. _Takes note_ of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/1998/39 and Add.1-5);

2. _Also takes note_ of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. _Welcomes_ the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. _Notes with appreciation_ the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the High Commissioner for Human Rights;

5. _Invites_ the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. _Urges_ all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. _Encourages_ Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. _Requests_ the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-fifth session, and decides to consider this question at that session;

9. Requests the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate.

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/36. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994 and 1996/31 of 19 April 1996,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1998/32 and Add.1), submitted pursuant to its resolution 1996/31,

Recognizing that forensic science is an important tool in detecting evidence of torture and other cruel, inhuman or degrading treatment or punishment,

Noting that the practice of forensic science includes examinations of both dead and living persons, and also includes identification procedures,

Noting also that, in many of the countries concerned, sufficient expertise is not available in forensic science and related fields to investigate human rights violations effectively,

Noting the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances, as emphasized in the reports of the Working Group on Enforced or Involuntary Disappearances and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts and experts in related fields to assist them in carrying out their human rights mandates,

1. Requests the Office of the United Nations High Commissioner for Human Rights to consult with Governments, relevant United Nations bodies and professional organizations of forensic and related experts as mentioned in the reports of the Secretary-General, of which the latest is contained in documents E/CN.4/1998/32 and Add.1, of 5 January 1998, with a view to updating the list of experts with their biographical data, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged), indications of availability, and the kind of assistance they could provide;

2. Also requests the Office of the High Commissioner to encourage the forensic and other experts to abide by the Principles on the Effective

Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989;

3. Invites the Office of the High Commissioner and the Crime Prevention and Criminal Justice Division of the Secretariat to consider revising the Manual on the Effective Prevention and Investigation ofExtralegal, Arbitrary and Summary Executions, in which standard procedures for adequate post-mortem examinations (autopsies or partial autopsies) are described;

4. Invites the Office of the High Commissioner to consider the possibility that forensic experts coordinate and produce additional manuals concerned with examinations of living persons for the following two areas of forensic medicine:

(a) Clinical forensic examinations, conducted in a gender-sensitive manner, to document injuries which may be caused by torture and other cruel, inhuman or degrading treatment, including an assessment of any physical and psychological symptoms, of detained persons; war prisoners; women who may have been exposed to rape and sexual violence; civilians in areas where human rights may have been violated; refugees from areas in which evidence is available regarding use or suspicion of use of torture and other cruel, inhuman or degrading treatment; detainees in psychiatric institutions and children in youth institutions in regions where there is a suspicion that their rights have been violated or that they have been subjected to torture or other cruel, inhuman or degrading treatment;

(b) Examinations to identify children of persons who have disappeared or children who have been subjected to enforced disappearance;

5. Recommends that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the manuals referred to in the present resolution and the setting up of courses aimed at providing training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

6. Also recommends that the Office of the High Commissioner establish procedures to evaluate the use of forensic expertise and the results of those efforts;

7. Requests the Office of the High Commissioner to report to the Commission at its fifty-sixth session on progress made in this matter, including:

(a) The availability of a comprehensive and up-to-date list of forensic experts;

(b) A revised standardized service agreement regulating the use of the forensic experts, including provisions for the protection of the experts who so serve;

8. Requests the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office of the High Commissioner in implementing the present resolution;

9. Decides to consider this question at its fifty-sixth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/37. United Nations staff

The Commission on Human Rights,

Recalling its resolution 1997/25 of 11 April 1997,

Gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts, and, in this context, welcoming the statement by the President of the Security Council of 12 March 1997 (S/PRST/1997/13) on "Security of United Nations operations",

Noting that, since its adoption, the Convention on the Safety of United Nations and Associated Personnel has only been signed by 43 Member States and ratified by 17,

1. Takes note of the report of the Secretary-General on the security of United Nations personnel (E/CN.4/1998/33);

2. Draws attention to the relevant principles on protection found in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

3. Calls upon all States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

4. Calls upon all States and others concerned:

(a) To respect and ensure respect for the rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate access to such personnel;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(f) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

(g) To ensure that the perpetrators of unlawful acts against United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

5. Requests the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), submitted to the Sub-Commission at its forty-fourth session, including the recommendations contained in paragraphs 45 and 47 of the report;

(c) To seek the inclusion of the applicable principles referred to in paragraph 2 of the present resolution in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel;

(d) To submit to the Commission at its fifty-sixth session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, and on the implementation of the measures referred to in the present resolution;

(e) To submit to the Commission at its fifty-sixth session the comprehensive and independent study requested, from within existing resources, in resolution 1997/25 to shed further light on the safety and security problems which United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation currently face, taking into account the evolution of the nature of United Nations missions around the world and their greater responsibilities, giving due consideration to the views of the main United Nations agencies concerned and those of relevant intergovernmental and non-governmental organizations.

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/38. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Recalling that freedom from torture and cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of All Forms of Violence against Women and the four Geneva Conventions of 1949 for the protection of war victims,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 51/86 of 12 December 1996 and Commission resolution 1997/38 of 11 April 1997, *Mindful* of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as United Nations International Day in Support of Victims of Torture,

1. *Calls upon* all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Urges* all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

3. *Reminds* Governments that corporal punishment can amount to cruel, inhuman or degrading punishment or even to torture;

4. *Stresses in particular* that all allegations of torture or cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and be awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation;

5. *Reminds* all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment;

6. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies as well as relevant intergovernmental and non-governmental organizations to commemorate on 26 June the United Nations International Day in Support of Victims of Torture;

7. *Takes note* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1998/36/Rev.1);

8. *Urges* all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

9. *Invites* all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

10. *Encourages* States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

11. Urges all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith;

12. Stresses that, under article 4 of the Convention, acts of torture must be made an offence under domestic criminal law and that acts of torture during armed conflict are considered a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment;

13. Emphasizes the obligation of States parties under article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

14. Stresses in this context that States must not punish personnel referred to in the preceding paragraph for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

15. Welcomes the report of the Committee against Torture on its seventeenth and eighteenth sessions (A/52/44);

16. Also welcomes the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture in States parties;

17. Urges States parties to take fully into account, in implementing the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the conclusions and recommendations made by the Committee against Torture at the end of its consideration of their reports;

18. Requests the Secretary-General to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

19. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/1998/38 and Add.1 and 2);

20. Notes the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years;

21. Decides to extend for three years the mandate of the Special Rapporteur on the question of torture;

22. Invites the Special Rapporteur to continue to examine questions concerning torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including through rape, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their effectiveness and mutual cooperation;

23. Also invites the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations concerning the prevention of such torture;

24. Approves the methods of work employed by the Special Rapporteur as set out in his previous report (E/CN.4/1997/7, annex), in particular with regard to urgent appeals, encourages him to continue to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Governments, in the elaboration of his report;

25. Calls upon all Governments to cooperate with and assist the Special Rapporteur on the question of torture in the performance of his task, to supply all necessary information requested by him and to react appropriately to his urgent appeals;

26. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

27. Encourages all Governments to give serious consideration to inviting the Special Rapporteur to visit their countries, so as to enable him to fulfil his mandate even more effectively;

28. Requests the Special Rapporteur to continue to consider inclusion of information in his report on the follow-up by Governments to his recommendations, visits and communications;

29. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

30. Invites the Special Rapporteur to present an oral interim report to the General Assembly at its fifty-third session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-fifth session;

31. Takes note of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1998/37 and Add.1 and 2 and A/52/387);

32. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished and to those Governments, organizations and individuals that have already contributed to the Fund;

33. Appeals to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund, if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

34. Stresses the need for contributions to the Fund on a regular basis and takes note of the request of the Board of Trustees that such contributions be paid before the Board's annual meeting in May in order, inter alia, to prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role;

35. Stresses in particular the increasing need for assistance to rehabilitation services for victims of torture;

36. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

37. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

38. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-fifth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture;

39. Requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

40. Urges States parties whose arrears pre-date the provision made by the Secretary-General for funding the Committee against Torture from the regular budget of the United Nations to fulfil their obligations forthwith;

41. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

42. Decides to continue to consider these questions at its fifty-fifth session.

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/39. Human rights in the administration of justice, in particular of children and juveniles in detention

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

Bearing in mind the relevant principles embodied in the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Aware of the need for special vigilance with regard to the specific situation of children and juveniles as well as women in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Reaffirming that the best interest of the child must be a primary consideration in all decisions concerning deprivation of liberty, in particular that every child deprived of liberty shall be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so,

Underlining the need to increase further the cooperation in the field of the administration of justice between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice,

Welcoming the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Development Programme in the field of juvenile justice,

Welcoming also the Guidelines for Action on Children in the Criminal Justice System, annexed to Economic and Social Council resolution 1997/30 of 21 July 1997 on administration of juvenile justice,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1998/35);

2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;

6. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructures in the field of the administration of justice;

7. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

8. Calls upon the Secretary-General to strengthen system-wide coordination in the field of administration of justice, in particular between the United Nations programmes in the field of human rights and crime prevention and criminal justice;

9. Welcomes the fact that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it has made concrete recommendations concerning the improvement of juvenile justice systems, through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical assistance;

10. Also welcomes the establishment of a Coordination Panel on technical advice and assistance in juvenile justice, which aims at coordinating activities in the field of juvenile justice undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance;

11. Requests the United Nations High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice;

12. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for measures of advisory services and technical assistance;

13. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs;

14. Recommends that States ensure that all structures, procedures and programmes in the administration of justice with regard to child offenders

promote assistance to allow children to take responsibility for their actions, and to encourage, inter alia, reparation, mediation and restitution, especially for the direct victim of the offence;

15. Urges States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children and juveniles are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so;

16. Also urges States to take fully into account, in their national legislation and practice, and disseminate widely the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

17. Requests the Secretary-General to present a report to the Commission at its fifty-sixth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular juvenile justice, including on the role of technical assistance of the United Nations system in this regard;

18. Decides to consider this question at its fifty-sixth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/40. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 1997/26 of 11 April 1997,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolutions 49/193 of 23 December 1994 and 51/94 of 12 December 1996,

Deeply concerned, in particular, by the intensification of enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared, _Emphasizing_ that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof,

1. _Takes note_ of the report submitted by the Working Group on Enforced or Involuntary Disappearances pursuant to Commission resolution 1997/26 (E/CN.4/1998/43);

2. _Encourages_ the Working Group, in the execution of its mandate:

(a) To continue to promote communication between families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) To continue to observe in its humanitarian task United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(c) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(d) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons, and to cooperate closely with the Governments concerned in searching for and identifying these children;

(e) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(f) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(g) To continue to apply a gender perspective in its reporting process, including in information collection and formulation of recommendations;

(h) To provide appropriate assistance in the implementation by States of the Declaration on the Protection of All Persons from Enforced Disappearance and of the existing international rules;

(i) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its fifty-fifth session;

3. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. Urges the Governments concerned:

(a) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(b) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(c) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(d) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set in train with the families of those individuals appropriate settlement machinery;

(e) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. Reminds Governments:

(a) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(b) Of the need to ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(c) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

6. Expresses:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

(b) Its commendation of the efforts by Governments which investigate, or develop appropriate mechanisms to investigate, any cases of enforced disappearance which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. Invites: States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered, in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration on the Protection of All Persons from Enforced Disappearance;

8. Takes note of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration, and invites those organizations to continue their cooperation;

9. Requests the Working Group to report on its activities to the Commission at its fifty-fifth session;

10. Requests the Secretary-General:

(a) To ensure that the Working Group receives all the assistance and resources, especially a database on cases of enforced disappearance, that it requires to perform its function, carry out and follow up missions, hold sessions in countries that would be prepared to receive it and update the database;

(b) To keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance;

11. Decides to renew for a period of three years the mandate of the Working Group on Enforced or Involuntary Disappearances, comprising five independent experts;

12. Also decides to consider this matter at its fifty-fifth session under the same agenda item.

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/41. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights, Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Bearing in mind that, in accordance with Commission resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Reaffirming its resolution 1997/50 of 15 April 1997,

Having considered the report of the Working Group on Arbitrary Detention (E/CN.4/1998/44 and Add.1 and 2),

1. Takes note:

(a) Of the work of the Working Group on Arbitrary Detention and underlines the positive initiatives it has taken to strengthen cooperation and dialogue with States, and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(b) Of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights, with other relevant United Nations bodies and with treaty monitoring bodies, as well as to the strengthening of the role of the Office of the United Nations High Commissioner for Human Rights in such coordination, and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

(c) Of the report of the Working Group;

2. Welcomes the efforts of the Working Group on Arbitrary Detention to revise its methods of work in accordance with Commission resolution 1997/50;

3. Takes note in this regard of the Working Groups revised methods of work (E/CN.4/1998/44, annex I) and invites it to ensure their implementation, in accordance with the relevant provisions of Commission resolutions 1996/28 of 19 April 1996 and 1997/50;

4. Takes note also of the preliminary observations made by the Working Group on the situation of immigrants and asylum-seekers, in accordance with the request made by the Commission in its resolution 1997/50, and encourages it to continue its work in this area;

5. Requests Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

6. Encourages Governments concerned:

(a) To pay attention to the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned, and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

7. Encourages all Governments to invite the Working Group to visit their countries in order that it may fulfil its mandate even more effectively;

8. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final conclusions;

9. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

10. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

11. Requests the Secretary-General:

(a) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) To ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions;

12. Requests the Working Group to submit to it, at its fifty-fifth session, a report on its activities and on the implementation of the present resolution, and to include any suggestions and recommendations which would enable it to discharge its task in the best possible way, and to continue its consultations to that end within the framework of this terms of reference;

13. Decides to continue its consideration of this question at its fifty-fifth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/42. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice,

Mindful also that the International Covenant on Civil and Political Rights also states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these should be only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or public order (ordre public) or of public health or morals, and that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 (E/CN.4/1996/39, annex),

Mindful of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Noting that restrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection of, respect for and enjoyment of other human rights and freedoms,

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Reaffirming that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important to the achievement of these goals and to the development of the human person,

Deeply concerned at numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against, professionals in the field of information,

Taking note of the need to raise awareness about all aspects of the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and of the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Deeply concerned that for women there exists a gap between the rights to freedom of opinion and expression and to information and the effective enjoyment of those rights, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

1. Reaffirms its commitment to the principles contained in the International Covenant on Civil and Political Rights;

2. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1998/40 and Add.1 and 2) and the comments and analysis contained therein;

3. Expresses its concern at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of, and of threats and acts of violence and of discrimination directed at, persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

4. Also expresses its concern at the number of cases in which the violations referred to in paragraph 3 of the present resolution are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration, and too vague a definition of offences against State security;

5. Calls for further progress towards release of persons detained for exercising the rights and freedoms referred to in paragraph 3 of the present resolution, bearing in mind that every individual is entitled to the full enjoyment of all human rights and fundamental freedoms;

6. Invites once again the working groups, representatives and special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

7. Urges Governments to implement effective measures to eliminate the atmosphere of fear which often prevents women who have been victims of

violence, either in domestic or community settings or as a result of armed conflict, from communicating freely on their own behalf or through intermediaries;

8. Appeals to all States:

(a) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms, and, where any persons have been detained or subjected to violence or threats of violence or to harassment, including persecution and intimidation, even after their release from detention, for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

(b) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

(c) To cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

9. Invites the Special Rapporteur, within the framework of his mandate:

(a) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner, within her mandate, to take into account reports in this regard in the context of her activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

(b) In cooperation with the Special Rapporteur on violence against women, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, and to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live;

(c) To continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights;

(d) To develop further his commentary on the right to seek and receive information and to expand on his observations and recommendations arising from communications;

(e) To continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

(f) To assess the advantages and challenges of new telecommunications technologies, including the Internet, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information, taking into account the work undertaken by the Committee on the Elimination of Racial Discrimination on racism, racial discrimination, xenophobia and related intolerance;

10. Requests the Special Rapporteur to submit to the Commission at its fifty-fifth session a report covering activities relating to his mandate, and decides to continue its consideration of this question at that session.

51st meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/43. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at the national and international levels,

Recalling its resolution 1996/35 of 19 April 1996, in which it regarded the basic principles and guidelines proposed by the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, as a useful basis for giving priority attention to the question of restitution, compensation and rehabilitation,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1998/34) submitted in compliance with Commission resolution 1997/29 of 11 April 1997, Noting with interest the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. Calls once more upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Requests the Chairman of the Commission to appoint an expert to prepare a revised version of the basic principles and guidelines elaborated by Mr. van Boven, taking into account the views and comments provided by States and intergovernmental and non-governmental organizations, and to submit it to the Commission at its fifty-fifth session, with a view to its adoption by the General Assembly;

3. Requests the Secretary-General to invite States that have not yet done so, as well as intergovernmental and non-governmental organizations, to submit their views and comments on the basic principles and guidelines prepared by Mr. van Boven as soon as possible, and by no later than 31 October 1998, and to make that information available to the independent expert;

4. Decides to continue its consideration of this matter at its fifty-fifth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/44. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Recalling also its own resolution 1997/45 of 11 April 1997, and welcoming the call by the United Nations High Commissioner for Human Rights for practical action on the question of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recognizing the valuable contribution that independent national institutions and non-governmental organizations can make in the field of human rights to the concept of regional arrangements,

Welcoming the convening of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, held in Tehran from 28 February to 2 March 1998,

1. Welcomes the report of the Secretary-General (E/CN.4/1998/50) and the progress achieved in the implementation of Commission resolution 1997/45;

2. Also welcomes the conclusions of the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Endorses the conclusions of the sixth workshop, including the Framework for Regional Technical Cooperation in the Asian and Pacific Region (E/CN.4/1998/50, annex II) adopted at the workshop to strengthen national capacities for the promotion and protection of human rights in the region;

4. Commends the efforts of the Government of the Islamic Republic of Iran as the host of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region;

5. Notes the contribution of representatives of non-governmental organizations to the sixth workshop;

6. Also notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions;

7. Further notes that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human rights education, mutual cooperation and information sharing, and welcomes, in this respect, the work of the Asia-Pacific Forum of National Human Rights Institutions;

8. Encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation for the promotion and protection of human rights, to further strengthen national human rights capacities, and in this regard calls upon the High Commissioner to give adequate attention to the programme;

9. Encourages States in the Asian and Pacific region to hold regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights with the assistance of the Office of the United Nations High Commissioner for Human Rights;

10. Encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

11. Requests the Secretary-General to submit to the Commission at its fifty-fifth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

12. Decides to continue its consideration of this question at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/45. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article,

Taking into account its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies,

Believing that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immune deficiency syndrome infection and disabled persons, Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82, thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, by which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade as contained in the report of the Secretary-General (A/49/261/Add.1-E/1994/110/Add.1, annex), and requested the High Commissioner for Human Rights to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 52/127 of 12 December 1997, in which the Assembly urged all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information,

1. Takes note with appreciation of the report of the Secretary-General to the General Assembly on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (A/52/469 and Add.1 and Add.1/Corr.1);

2. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action and to develop public information activities in the field of human rights, as indicated in the report of the Secretary-General;

3. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human rights education, contained in the report of the Secretary-General (A/52/469/Add.1 and Corr.1);

4. Urges Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

5. Requests the High Commissioner for Human Rights to accelerate, within existing resources, the implementation of the Plan of Action and, in particular, to encourage and facilitate the establishment of national plans of action for human rights education in Member States in accordance with national conditions;

6. Encourages the Office of the United Nations High Commissioner for Human Rights to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects;

7. Requests human rights treaty monitoring bodies to consider adopting a general comment on human rights education and to place emphasis, when examining reports of States parties, on the obligations of States parties in the area of human rights education and information, and to reflect this emphasis in their concluding observations;

8. Invites the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and to cooperate closely with the Office of the High Commissioner in that regard;

9. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the Office of the High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials;

10. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner for Human Rights, in implementing the Plan of Action;

11. Encourages Governments and intergovernmental and non-governmental organizations to undertake human rights education and information initiatives as a contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, and to continue this work, in accordance with the Plan of Action, for the duration of the Decade;

12. Requests the High Commissioner for Human Rights to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights education activities, including those undertaken by non-governmental organizations;

13. Decides to continue consideration of the question of human rights education at its fifty-fifth session under the same agenda item, in connection with the question of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/46. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Taking into account the need to pay particular attention to the recruitment of personnel from developing countries for the Office of the United Nations High Commissioner for Human Rights, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with concern that the report of the High Commissioner for Human Rights on the geographical composition of the staff of her Office (E/CN.4/1998/52) submitted pursuant to Commission resolution 1997/76 of 18 April 1997 clearly reflects that one region is unequivocally overrepresented in the staff composition,

Expressing its concern again at the under-representation of the developing countries within the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. Takes note of the report by the High Commissioner on the composition of the staff of the Office of the High Commissioner for Human Rights (E/CN.4/1998/52);

2. Welcomes the statement of the High Commissioner to the Third Committee of the General Assembly at its fifty-second session, in which she expressed her willingness to ensure a good geographical balance and a sense of bringing together North and South in a joint commitment to human rights in the process of filling key senior positions in the Office as well as the post of Deputy High Commissioner;

3. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

4. Considers that it is necessary, in the process of restructuring the Office of the High Commissioner for Human Rights, to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of the staff of the Office, in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

5. Requests the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries for the existing vacancies and for other additional posts in the Office of the High Commissioner for Human Rights so as to ensure equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

6. Requests once again the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner for Human Rights, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming to the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

7. Emphasizes the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to filling those posts;

8. Requests the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

9. Reaffirms the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue ensuring that the fulfilment of her mandate and that of the Office is guided by these principles;

10. Requests the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-fifth session, which should include:

(a) The composition of the staff of the Office, organized by United Nations regional groups and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(b) Measures adopted to improve the current situation and their results;

(c) Recommendations to improve the current situation;

11. Decides to consider this matter at its fifty-fifth session under the same agenda item.

52nd meeting
17 April 1998
[Adopted by a roll-call vote of 36 votes to 16,
with 1 abstention. See chap. IX.]

1998/47. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations adopted by the General Assembly in its resolution 50/6 of 24 October 1995,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Recalling further General Assembly resolutions 46/51 of 9 December 1991, 49/60 of 9 December 1994, 50/53 of 11 December 1995, 50/186 of 22 December 1995, 51/210 of 17 December 1996 and 52/133 of 12 December 1997, as well as its own resolution 1997/42 of 11 April 1997,

Noting resolution 1997/39 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and noting the decision of the Sub-Commission to conduct a comprehensive study on terrorism and human rights which may include the possibility of studying the impact of terrorism in all its forms and manifestations on the vulnerable groups of the society, such as women, children, the elderly, refugees, minorities and indigenous people,

Recalling that the Universal Declaration of Human Rights, which marks its fiftieth anniversary in 1998, states that every individual and every organ of society shall strive by teaching and education to promote respect for all rights and freedoms enshrined in the Declaration,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never by justified in any instance, including as a means to promote and protect human rights,

Taking into account that acts of terrorism in all their forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life, *Bearing in mind also* that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Bearing in mind further that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the high number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern that many terrorist groups are connected with other criminal organizations engaged in the illegal traffic in arms and illicit drug trafficking at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, taking of hostages, robbery, money laundering and rape,

Mindful of the need to protect human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, particularly the right to life,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards,

Stressing the need further to strengthen international cooperation between States, international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and inviting interested non-governmental organizations to join States in condemning terrorism,

Noting that the General Assembly has requested the Secretary-General to continue to seek the views of Member States on the possible establishment of a voluntary fund for the victims of terrorism,

1. *Expresses its solidarity* with the victims of terrorism;

2. *Condemns* violations of the right to live free from fear and of the right to life, liberty and security;

3. *Reiterates its unequivocal condemnation* of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately

constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of States;

4. *Condemns* incitement of ethnic hatred, violence and terrorism;

5. *Calls upon* States to take all necessary and effective measures, in strict conformity with international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

6. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

7. *Urges* all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

8. *Takes note* of the working paper entitled "Terrorism and human rights" submitted by Ms. Kalliopi K. Koufa to the Sub-Commission (E/CN.4/Sub.2/1997/28), and notes in particular the need to study further the role and responsibility of non-State actors in the sphere of human rights;

9. *Requests* the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism and of the fight against terrorism for the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and to make it available to the concerned special rapporteurs and working groups of the Commission on Human Rights for their consideration;

10. *Decides* to continue its consideration of this question at its fifty-fifth session as a matter of priority.

52nd meeting
17 April 1998
[Adopted by 33 votes to none, with 20 abstentions.
See chap. IX.]

1998/48. *Human rights and arbitrary deprivation of nationality*

The Commission on Human Rights,

Recalling its resolution 1997/36 of 11 April 1997,

Reaffirming article 15 of the Universal Declaration of Human Rights, in accordance with which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality, Recalling the provisions of other international human rights instruments, including article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3, of the International Covenant on Civil and Political Rights and articles 7 and 8 of the Convention on the Rights of the Child,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic, religious or gender grounds,

Recalling that depriving a person of his nationality may lead to statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

1. Reaffirms the importance of the right to a nationality of every human person as an inalienable human right;

2. Recognizes that arbitrary deprivation of nationality on racial, national, ethnic, religious or gender grounds is a violation of human rights and fundamental freedoms;

3. Calls upon all States to refrain from taking measures and from enacting legislation that discriminate against persons or groups of persons on grounds of race, colour, gender, religion, or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to a nationality, especially if this renders a person stateless, and to repeal such legislation if it already exists;

4. Notes that full social integration of an individual might be impeded as a result of arbitrary deprivation of nationality;

5. Takes note of the information received in response to the request by the Secretary-General in accordance with paragraph 5 of Commission resolution 1997/36 (E/CN.4/1998/118);

6. Urges the appropriate mechanisms of the Commission on Human Rights and the pertinent United Nations treaty bodies to continue to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports;

7. Requests the Secretary-General to report to the Commission at its fifty-fifth session on the implementation of the present resolution;

8. Decides to remain seized of this matter.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/49. Human rights and mass exoduses

The Commission on Human Rights,

Disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions, in particular resolution 1997/75 of 18 April 1997, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to the mass exodus and displacement of people,

Recalling also all relevant human rights standards, including the Universal Declaration of Human Rights, the principles of international protection for refugees and the General Conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on international protection, and that asylum applicants should have access to fair and expeditious status-determination procedures,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Noting the complementarity between the systems for the protection of human rights and for humanitarian action, and that cooperation between them makes an important contribution to the promotion and protection of human rights of persons forced into mass exodus and displacement,

Recognizing the complementarity between the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees and the importance of cooperation between them,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries in safety and dignity,

1. Recalls the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, gender, age, religion or language;

2. Takes note with interest of the report of the High Commissioner for Human Rights on human rights and mass exoduses (E/CN.4/1998/51);

3. Reaffirms the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious problems that result from, mass exoduses of refugees and displaced persons;

4. Emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing countries, affected by mass exoduses of refugees and displaced persons, and calls upon Governments and the relevant United Nations agencies to continue to respond to assistance needs of countries hosting large numbers of refugees until durable solutions are found;

5. Recalls article 14 of the Universal Declaration of Human Rights, which states that everyone has the right to seek and to enjoy in other countries asylum from persecution and that this right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations;

6. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967 and to relevant regional refugee instruments, as applicable, and other relevant international human rights instruments;

7. Calls upon States to ensure effective protection of refugees by, inter alia, respecting the principle of non-refoulement;

8. Recognizes that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights;

9. Requests the High Commissioner for Human Rights, in the exercise of her mandate and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to human rights situations which cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information sharing, technical advice and expertise and cooperation in countries of origin as well as host countries;

10. Welcomes the efforts of the High Commissioner for Human Rights to contribute to the creation of an environment for a viable and sustainable return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of independent national

institutions capable of defending human rights, and broad-based programmes of human rights education, as well as strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

11. Requests all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and the specialized agencies, as well as governmental, intergovernmental and non-governmental organizations and the special rapporteurs, special representatives and working groups of the Commission to provide the High Commissioner for Human Rights with all relevant information in their possession on human rights situations that create or affect refugees and displaced persons for appropriate action in fulfilment of her mandate in consultation with the United Nations High Commissioner for Refugees;

12. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of the Commission on Human Rights and to other international human rights bodies and mechanisms, and invites her to address the Commission at each of its future sessions;

13. Requests the High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and comments, and to prepare and submit to the Commission at its fifty-sixth session, within existing resources, a report on measures to prevent violations and denials of human rights that lead to and take place during mass exoduses and displacements;

14. Decides to continue its consideration of this question at its fifty-sixth session under the sub-item "Human rights, mass exoduses and displaced persons" of the agenda item entitled "Further promotion and encouragement of human rghts and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/50. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Recalling its previous relevant resolutions, in particular resolution 1997/39 of 11 April 1997, as well as those of the General Assembly, and the Vienna Declaration and Programme of Action (A/CONF.157/23) regarding the need to develop global strategies to address the problem of internal displacement, *Conscious* of the human rights and humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, international humanitarian law and analogous refugee law, and recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection,

Noting the progress made so far by the representative of the Secretary-General on internally displaced persons in developing a legal framework, in particular the compilation and analysis of legal norms and the development of guiding principles; analysing institutional arrangements; undertaking dialogue with Governments; and issuing a series of reports on particular country situations together with proposals for remedial measures,

Welcoming the cooperation established between the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund, the World Food Programme and the World Health Organization, as well as the International Organization for Migration, the International Committee of the Red Cross and other relevant international and regional organizations and agencies,

Welcoming also the decision by the Inter-Agency Standing Committee to extend a standing invitation to the representative of the Secretary-General on internally displaced persons to participate in its meetings, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

1. *Takes note* of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53), including the study on legal aspects relating to protection against arbitrary displacement (E/CN.4/1998/53/Add.1) and the guiding principles on internal displacement (E/CN.4/1998/53/Add.2) presented by the representative;

2. *Expresses its appreciation* to the representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

3. *Also expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the representative of the Secretary-General, urges them to continue to do so and calls upon others to provide support for the efforts of the representative;

4. Encourages the representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

5. Notes with interest the decision of the Inter-Agency Standing Committee welcoming the guiding principles and encouraging its members to share them with their Executive Boards;

6. Notes the stated intention of the representative of the Secretary-General to make use of the guiding principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requests him to report to the Commission on his efforts and on the views expressed to him;

7. Welcomes the specific attention paid by the representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and encourages him to continue to draw attention to these needs;

8. Thanks Governments which have invited the representative of the Secretary-General to visit their countries and invites them to give due consideration, in their dialogue with the representative, to his recommendations and suggestions and to make available information on measures taken thereon;

9. Calls upon all Governments to facilitate the activities of the representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the representative;

10. Commends the representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons;

11. Encourages the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, as well as the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations further to enhance their collaboration by developing frameworks of cooperation to promote protection, assistance and development for internally displaced persons, *inter alia* by appointing focal points within their organizations for these matters;

12. Urges these organizations, especially through the Inter-Agency Standing Committee, to continue to focus on problems relating to protection, assistance and solutions for internally displaced persons, including through

the setting up of a more comprehensive and coherent system of collecting data on their situation, and to strengthen their collaboration with the representative of the Secretary-General;

13. Welcomes the initiatives undertaken by regional organizations, such as the Organization for Security and Cooperation in Europe, the Organization of African Unity and the Organization of American States, to address the assistance, protection and development needs of internally displaced persons, and encourages them to strengthen these activities and their cooperation with the representative of the Secretary-General;

14. Also welcomes the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the representative of the Secretary-General;

15. Calls upon the High Commissioner for Human Rights to continue to develop projects, in cooperation with Governments, relevant international organizations and the representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

16. Decides to extend the mandate of the representative of the Secretary-General for a further three years;

17. Requests the Secretary-General to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the representative of the Secretary-General to continue to seek the contribution of local, national and regional institutions;

18. Decides to continue its consideration of the question of internal displacement at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/51. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, Recalling its previous resolutions on the subject and agreed conclusions 1997/2 adopted by the Economic and Social Council on 18 July 1997 on mainstreaming a gender perspective into all policies and programmes in the United Nations system,

Recalling also that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Bearing in mind that the Fourth World Conference on Women, in the Beijing Platform for Action (A/CONF.177/20, chap. I), called upon all relevant organs, bodies and agencies of the United Nations system and all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Emphasizing the major role of the Commission on the Status of Women in promoting equality between women and men and, in particular, welcoming its conclusions on human rights of women, violence against women, women and armed conflict, and the girl child, adopted at its forty-second session in March 1998,

Reaffirming the important role that women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. Welcomes the report of the Secretary-General (E/CN.4/1998/49 and Add.1);

2. Also welcomes the commitment of the High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system;

3. Emphasizes that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women, and to this end calls upon all relevant actors to implement agreed conclusions 1997/2 of the Economic and Social Council through such measures as the adoption of gender-mainstreaming policies, the improvement of tools for gender mainstreaming, the establishment of instruments and mechanisms for monitoring and evaluation, and the creation of accountability mechanisms for gender mainstreaming;

4. Also emphasizes that the responsibility for mainstreaming starts at the highest levels and, therefore, encourages the High Commissioner for Human Rights, in collaboration with the Division for the Advancement of Women, to elaborate a gender mission statement and strategies for effectively implementing the agreed conclusions;

5. Welcomes the cooperation and coordination between the Division for the Advancement of Women and the Office of the United Nations High

Commissioner for Human Rights aimed at mainstreaming women's human rights, such as the joint work plan (E/CN.6/1998/2/Add.1), and requests that this plan continue to reflect all aspects of work under way and identify where obstacles/impediments exist and areas for further collaboration, and that it be made available to the Commission on Human Rights at its fifty-fifth session and to the Commission on the Status of Women at its forty-third session;

6. Calls for further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women in order to promote more effectively women's human rights through, *inter alia*:

(a) Collaborating in the writing of reports for the Commission on the Status of Women and the Commission on Human Rights, building on the first initiative of this type (E/CN.4/1998/22-E/CN.6/1998/11), and making their reports available to each other;

(b) Sharing information systematically on the work of the Committee on the Elimination of Discrimination against Women in order to ensure that its concluding observations and general recommendations are better utilized in the work of the other treaty bodies and United Nations human rights activities;

(c) Capacity-building to implement the agreed conclusions of the Economic and Social Council on mainstreaming a gender perspective, in particular training and gender sensitization, especially for personnel involved in human rights field operations;

7. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to include in their reports information on and qualitative analysis of violations of human rights of women and girls, and encourages the strengthening of cooperation and coordination in this regard;

8. Welcomes again, in this regard, the paper prepared by the United Nations Development Fund for Women (E/CN.4/1997/131, annex) for the meeting of the special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights held from 28 to 30 May 1996 (see E/CN.4/1997/3) and the description therein that gender-specific reporting and analysis is an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the consequences for the victim, and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis in conclusions and recommendations;

9. Draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105,

annex) and, in this regard, recommends that the Office of the High Commissioner for Human Rights, together with other relevant United Nations agencies and secretariats, consider the organization of another such meeting to evaluate measures taken and any obstacles to implementation of these guidelines, including assessing possible new strategies to implement them;

10. Encourages the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective, bearing in mind the need:

(a) To develop gender-sensitive guidelines to be used in the review of States parties' reports;

(b) To develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(c) To incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations with a view to the preparation of general comments which reflect a gender perspective;

(d) To incorporate a gender perspective into concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

11. Urges States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

12. Urges the relevant organs, bodies and agencies of the United Nations system and all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to bear in mind, inter alia, the need for expertise in the human rights of women in the recruitment of staff;

13. Draws attention to the need to give due consideration to the human rights of women and the girl child in the five-year review of the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and, in this regard, welcomes the recommendations contained in resolution 42/5 adopted by the Commission on the Status of Women at its forty-second session and the issuing of the information kit "Women's Rights: The Responsibility of All" by the Office of the High Commissioner for Human Rights;

14. Requests the Secretary-General to report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fifth session;

15. Decides to continue its consideration of this question at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/52. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolutions 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, and 1997/44 of 11 April 1997, in which that mandate was renewed,

Welcoming again the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Noting General Assembly resolution 52/99 of 12 December 1997, in which the Assembly, inter alia, reaffirmed that traditional or customary practices affecting the health of women and girls constitute a definite form of violence against women and girls and a serious form of violation of their human rights,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially targeted and vulnerable to violence, Reiterating that acts of sexual violence in situations of armed conflict constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I) and follow-up action such as the conclusions on violence against women, women and armed conflict and human rights of women adopted by the Commission on the Status of Women at its forty-second session in March 1998 and the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted by the General Assembly by its resolution 52/86 of 12 December 1997,

Noting with appreciation the Special Rapporteur's active participation at the forty-second session of the Commission on the Status of Women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1998/54 and Add.1), and encourages her in her future work;

2. Commends the Special Rapporteur for her analysis of violence in the family, violence in the community and violence as perpetrated and/or condoned by the State;

3. Condemns all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

4. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law and calls for a particularly effective response to violations of this kind, including in particular murder, rape, including systematic rape, sexual slavery and forced pregnancy;

5. _Encourages_ Governments to support efforts to create an international criminal court that integrates a gender perspective in its statute and functioning, enabling a gender-sensitive interpretation and application of the statute;

6. _Requests_ all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications;

7. _Welcomes_ the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular, where appropriate, by sending joint urgent appeals and communications with other special rapporteurs;

8. _Requests_ human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, in particular to respond to her requests for information on violence against women, its causes and its consequences, and to address the issue of violence against women in custody and in times of armed conflict;

9. _Stresses_ the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in times of armed conflict, violence against women in custody and violence against refugee and internally displaced women, and calls upon States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, and to comply with the Standard Minimum Rules for the Treatment of Prisoners;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(d) To enact and, where necessary, reinforce or amend penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, and to ensure that they conform with relevant international human rights instruments and humanitarian law;

(e) To adopt laws, where necessary, and reinforce existing laws that punish police, security forces or any other agents of the State who engage in acts of violence against women in the course of the performance of their duties, and to review existing legislation and take effective measures against the perpetrators of such violence;

(f) To cooperate with the International Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia in the apprehension and prosecution of individuals indicted for gender-related crimes and all other crimes within their jurisdiction;

(g) To protect children, especially the girl child, in situations of armed conflict against participation, recruitment, rape and sexual exploitation and abuse through adherence to the applicable principles of international human rights and humanitarian law;

(h) To create, improve or develop, as appropriate, and fund training programmes for judicial, legal, medical, social, educational, police, military, peacekeeping and immigration personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To mainstream a gender perspective, as appropriate, into national immigration and asylum policies, regulations and practices, in order to extend protection to those women whose claim for protection is based on gender-related persecution;

(j) To examine and consider modifying existing legal definitions and standards to ensure that they fully protect the human rights of all women and girls affected by armed conflict, and to reaffirm that rape, including systematic rape, and sexual slavery in armed conflict constitute war crimes, and under certain circumstances constitute crimes against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide;

(k) To take account of the impact of armed conflict on the health of all women and introduce measures to address the full range of women's health needs, including those of women with disabilities, and the psychological needs arising from trauma stemming from sexual abuses and the effects of violations of their rights;

10. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19 adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those States which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

11. Calls upon States to eradicate traditional or customary practices, particularly female genital mutilation, that are harmful to or discriminatory against women and that are violations of human rights and fundamental freedoms

of women through the development and implementation of national legislation and policies prohibiting such practices, the prosecution of perpetrators of such practices, and awareness-raising programmes, education and training;

12. Requests the Secretary-General to make available to the Commission on Human Rights at its fifty-fifth session and to the Commission on the Status of Women at its forty-third session his report to the General Assembly at its fifty-third session on the implementation of Assembly resolution 52/99;

13. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

14. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs or working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

15. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights, including, where appropriate, undertaking joint missions and writing joint reports;

16. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-third session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

17. Decides to continue its consideration of this question as a matter of high priority at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/53. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, including the Vienna Declaration and Programme of Action,

Recalling the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights, Recalling also its resolution 1994/44 of 4 March 1994 and taking note of resolution 1997/28 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as Part II, paragraph 91, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Convinced that the expectation of impunity for violations of international human rights or humanitarian law encourages such violations and is one of the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators accountable, obtaining justice for their victims and preserving historical records of such violations will guide future societies and are integral to the promotion and implementation of human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Stressing the importance of establishing a permanent international criminal court as a measure in the fight against impunity, while acknowledging the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda,

1. Emphasizes the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women, and to take appropriate measures to address this important issue;

2. Recognizes that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of the violations are essential steps towards rehabilitation and reconciliation and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which the violations can be investigated and made public and to encourage victims to participate in such a process;

3. Emphasizes the importance of taking all necessary and possible steps to hold accountable perpetrators of violations of international human rights and humanitarian law and urges States to take action in accordance with due process of law;

4. Calls upon States and the United Nations High Commissioner for Human Rights to consider providing States, upon their request, with concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

5. Notes the report submitted by Mr. Louis Joinet pursuant to Sub-Commission decision 1996/119 of 29 August 1996 (E/CN.4/Sub.2/1997/20/Rev.1) and the Set of principles for the protection and promotion of human rights through action to combat impunity annexed to the report, and requests the Secretary-General to invite States, international organizations and non-governmental organizations to provide him with their views and comments thereon;

6. Requests the Secretary-General to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

7. Also requests the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report to the Commission at its fifty-fifth session;

8. Invites the special rapporteurs and other mechanisms of the Commission to give due consideration to the issue of impunity in the discharge of their mandates;

9. Decides to continue its consideration of this matter at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/54. Towards a culture of peace

The Commission on Human Rights,

Recalling General Assembly resolutions 50/173 of 22 December 1995 and 51/101 of 12 December 1996 on a culture of peace and resolution 51/104 of 12 December 1996 on the United Nations Decade for Human Rights Education and public information activities in the field of human rights,

Reaffirming that, since war begins in the minds of men, it is in the minds of men that the defence of peace must be constructed,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights, strengthens solidarity among peoples and dialogue between cultures, and promotes democratic participation and the right to development of women and men on an equal footing, Considering that a culture of peace is a process of integral transformation and institutional development that has its roots in social interaction and tolerance, and which expresses itself through the principles of freedom, justice, democracy, peaceful cohabitation and cooperation among peoples,

Recognizing that culture is an integral whole and a basis for the intellectual development of all human beings, affirms the need for access, on an equal basis, by children, men and women, including the elderly, to the science of knowledge, in particular to an education for peace, to the enjoyment of the beautiful legacy of mankind for the full development of individuals as human beings,

Underlining the need to develop, at the dawn of the new millennium, preventive policies for the effective enjoyment of human rights and fundamental freedoms, including through encouraging all human beings to adopt a culture of peace,

Noting that, in its resolution 52/13 of 20 November 1997, the General Assembly requested the Secretary-General, in coordination with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to present a consolidated report containing a draft declaration and programme of action on a culture of peace to the Assembly at its fifty-third session,

1. Welcomes General Assembly resolution 52/13 entitled "Culture of peace";

2. Also welcomes General Assembly resolution 52/15 of 20 November 1997, in which the Assembly proclaimed the year 2000 the International Year for the Culture of Peace;

3. Urges States to promote a culture of peace based on the principles established in the Charter of the United Nations, respect for human rights, democracy, education for peace, promotion of sustainable development and the wider participation of women as an integral approach to preventing violence in its diverse manifestations;

4. Decides to consider the question of a culture of peace at its fifty-fifth session under the same agenda item.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/55. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own resolutions concerning national institutions for the promotion and protection of human rights, notably Assembly resolutions 48/134 of 20 December 1993 and 52/128 of 12 December 1997 and Commission resolutions 1992/54 of 3 March 1992 and 1997/40 of 11 April 1997,

Welcoming the rapidly growing interest shown worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted by the Fourth World Conference on Women (A/CONF.177/20, chap. I), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Welcoming the strengthening of international cooperation among national human rights institutions, especially through the fourth International Workshop on Ombudsman and National Human Rights Institutions, held in Merida, Mexico, in November 1997, and expressing appreciation to the Mexican National Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights for organizing that event,

Also welcoming the strengthening of regional cooperation among national human rights institutions, including through the second meeting of the Asia-Pacific Regional Workshop of National Human Rights Institutions, held in New Delhi in September 1997, the third International Workshop on Ombudsman and National Human Rights Institutions, held in Riga in June 1997, and the first meeting of Mediterranean national institutions for the promotion and protection of human rights, held in Marrakesh, Morocco, in April 1998,

Further welcoming the recommendation of the Committee of Ministers of the Council of Europe in September 1997 that member States consider establishing effective national human rights institutions,

Noting the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken a constructive part in such meetings as part of the delegations of Member States,

1. Reaffirms the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134;

2. Encourages Member States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

3. Welcomes the decisions announced recently by a growing number of States to establish, or consider establishing, national institutions for the promotion and protection of human rights;

4. Reaffirms the role of national institutions, where they exist, as appropriate agencies, *inter alia*, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education (1995-2004), and encourages national institutions to play an active role in the celebrations marking the fiftieth anniversary of the Universal Declaration of Human Rights at the national and local levels;

5. Commends the activities of the Office of the High Commissioner for Human Rights in promoting and strengthening national institutions;

6. Welcomes the statements by the United Nations High Commissioner for Human Rights that work on national institutions will be a high priority of her Office, and encourages her in her continuing efforts to integrate that work into the core activities of the Office;

7. Invites Governments to contribute additional, earmarked funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

8. Takes note of the role of the Coordinating Committee created by national institutions, as recognized in Commission on Human Rights resolution 1994/54 of 4 March 1994, in close cooperation with the Office of the High Commissioner for Human Rights, to assist Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

9. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the Office of the High Commissioner for Human Rights;

10. Also requests the Secretary-General to continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

11. Considers it important for national institutions which conform with the Principles relating to the status of national institutions to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

12. Notes the report of the Secretary-General concerning participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1998/47) and, in particular, the possible forms of such participation outlined therein, and requests the Secretary-General to submit to the Commission at its fifty-fifth session a report including a detailed analysis of the implications of these possible forms of participation and practical steps to take the matter forward;

13. Considers that existing practices should be continued in the interim to provide for such participation;

14. Welcomes the decisions to hold the third Asia-Pacific regional workshop of national human rights institutions, the second regional meeting of African national institutions and the third regional meeting of European national institutions within the next year;

15. Invites Governments and intergovernmental organizations to contribute to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions;

16. Recognizes the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights;

17. Requests the Secretary-General to report to the Commission at its fifty-fifth session on the implementation of the present resolution;

18. Decides to continue its consideration of this question at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/56. Fiftieth anniversary of the Universal Declaration of Human Rights

The Commission on Human Rights,

Recalling that the Charter of the United Nations reaffirms the faith of the United Nations in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, Recognizing the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations as well as the source of inspiration and a basis of subsequent progress in the field of human rights,

Concerned that human rights and fundamental freedoms are not fully and universally respected and continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights, and that some peoples still lack the full enjoyment of their right to self-determination,

Stressing the necessity for further national efforts as well as enhanced international cooperation with a view to fully realizing all human rights and fundamental freedoms, including the need to promote greater awareness of the rights set forth in the Universal Declaration of Human Rights and in other international human rights instruments,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,

Reaffirming also the need to ensure full implementation of the human rights of women and the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms,

Reaffirming further the need for the international community to continue to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome,

Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling the decision by the General Assembly to convene a plenary meeting on 10 December 1998 to celebrate the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights,

Declares solemnly its commitment to the fulfilment of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations and as a source of inspiration for the further promotion and protection of all human rights and fundamental freedoms - civil, cultural, economic, political, and social - including the right to development.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/57. Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission on Human Rights resolution 1997/46 of 11 April 1997,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful that the United Nations High Commissioner for Human Rights, according to her mandate as established by the General Assembly in resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States as well as for the coordination of human rights promotion and protection activities throughout the United Nations system,

Taking note with appreciation of the report of the Secretary-General on technical cooperation in the field of human rights (E/CN.4/1998/92), including the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, and taking note also of the recommendations of the Board of Trustees of the Voluntary Fund,

1. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

2. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights, and encourages all States in need of assistance in this field to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

3. Encourages the High Commissioner for Human Rights to continue to develop the potential for the provision of advisory services and technical cooperation;

4. Stresses that, with a view to assisting States in promoting and protecting human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address the specific requirements of the requesting countries;

5. Reaffirms that the provision of advisory services and technical cooperation does not exempt any country from the monitoring activities of the human rights programme, and notes in this regard that, in order to help produce lasting results, monitoring and preventive activities may need to be accompanied by promotional activities through advisory services and technical cooperation;

6. Welcomes efforts to integrate economic, social and cultural rights as well as a gender perspective into the technical cooperation programme;

7. Reaffirms that advisory services and technical cooperation in the field of human rights require close cooperation and coordination between United Nations bodies and all specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and to promote all human rights, the rule of law and democracy;

8. Welcomes in this regard the enhanced cooperation between the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, as well as the Secretary-General's request to the High Commissioner to undertake an analysis of the technical assistance provided by United Nations entities in areas relating to human rights and to formulate proposals for improving complementarity of action;

9. Invites relevant United Nations treaty bodies, special rapporteurs and special representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

10. Emphasizes the need for an increase in the allocation of resources from within the regular United Nations budget for advisory services and technical cooperation in the field of human rights;

11. Expresses its appreciation for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and welcomes in particular the increasing contributions made by developing countries, and invites more Governments and non-governmental organizations to consider contributing;

12. Requests the Board of Trustees of the Voluntary Fund to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, and invites the Chairman of the Board to address the Commission;

13. Emphasizes the need for the nomination of a new coordinator for the Voluntary Fund with substantial experience in development cooperation;

14. Requests the Secretary-General:

(a) To continue, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund, to ensure efficient management of the

Voluntary Fund, strict and transparent project-management rules, periodic evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

(b) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

(c) To submit an analytical report to the Commission on Human Rights at its fifty-sixth session on the progress and concrete achievements made as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

1998/58. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1997/52 of 15 April 1997 and General Assembly resolution 52/138 of 12 December 1997,

Having in mind the report on the situation of human rights in Haiti submitted to the General Assembly by the independent expert of the Commission on Human Rights, Mr. Adama Dieng (A/52/499), and the note by the Secretariat dated 5 February 1998 (E/CN.4/1998/97),

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the National Commission for Truth and Justice, the United Nations Transition Mission in Haiti, terminated on 30 November 1997, and the United Nations Civilian Police Mission in Haiti, currently functioning, to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights in that country, *Recognizing also* the interdependence and the mutual reinforcements between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Expressing its concern at the adverse effects upon Haiti's political, economic and social situation caused by the absence of an agreement in regard to the appointment of a prime minister,

Bearing in mind that the people of Haiti are due to express in the coming months their political will, through free, honest and transparent elections in accordance with the Constitution and the laws,

Noting with satisfaction the renewal by the General Assembly, in its resolution 51/196 B of 31 July 1997, of the mandate of the International Civilian Mission to Haiti,

Welcoming the improvements effected in the human rights situation in Haiti since the restoration of its democratic regime and noting the declarations by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights,

Indicating its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert,

Reiterating its satisfaction at the invitation to visit the country addressed by the Government of Haiti to the Special Rapporteur on violence against women,

1. *Thanks* the Secretary-General, his Special Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their unremitting efforts on behalf of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. *Notes with gratitude* the report on the situation of human rights in Haiti submitted to the General Assembly by the independent expert of the Commission on Human Rights, Mr. Adama Dieng (A/52/499), and the recommendations contained therein;

3. *Invites* the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the International Covenant on Civil and Political Rights;

4. *Reaffirms* the importance, for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again urges the Government of Haiti to institute legal proceedings against the perpetrators of human rights violations identified by the

Commission for Truth and Justice and to create effective facilities for support to the victims, particularly women, children and members of their families;

5. Encourages the political leaders and representatives of Haitian civil society to pursue a dialogue whereby agreement may be rapidly reached and the deadlock created with regard to the appointment of a prime minister may thereby be overcome;

6. Calls upon the Haitian authorities to mobilize political will for the pursuit of reform and for the strengthening of the judicial system and improvement of the country's prisons;

7. Draws attention to the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

8. Welcomes the report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti (A/52/515), which the Office of the United Nations High Commissioner for Human Rights is conducting for the purpose of strengthening institutional capacity in that field and especially in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a further report on the implementation of the programme to the Commission at its fifty-fifth session;

9. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the continuing fragility of the country's political, economic and social situation;

10. Notes with satisfaction the putting into operation by the Government of Haiti of the Office of Citizen Protection and invites the United Nations High Commissioner for Human Rights to contribute to its strengthening, through a programme of technical cooperation, so that it may develop into a national institution for the promotion of human rights, widely open to participation by civil society;

11. Invites once again the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country;

12. Invites the independent expert to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session on developments in the human rights situation in Haiti;

13. Decides to continue its consideration of this question at its fifty-fifth session under the agenda item entitled "Advisory services in the field of human rights".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

1998/59. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1995/56 of 3 March 1995, in which it requested the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia, through the contributions of agencies and programmes of the United Nations,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Recognizing, as stated by the independent expert, that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Recognizing also that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

1. Welcomes the report of the independent expert (E/CN.4/1998/96) and, in particular, her conclusions and recommendations;

2. Expresses deep concern at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards;

3. Strongly urges all parties in Somalia:

(a) To respect human rights and international humanitarian law pertaining to internal armed conflict;

(b) To support, as recommended by the independent expert, the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal-justice standards;

(c) To protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media;

4. Calls upon:

(a) All parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

(b) Regional and subregional organizations and concerned countries to continue and intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(c) Individual donor countries, international organizations and non-governmental organizations to incorporate human rights principles and objectives into the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

5. Requests the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fifth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical cooperation through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

6. Welcomes the decision by the United Nations High Commissioner for Human Rights to appoint a human rights officer in the framework of the Office of the United Nations Resident and Humanitarian Coordinator for Somalia;

7. Requests the Secretary-General to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner for Human Rights for the implementation of advisory services and technical cooperation;

8. Invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Decides to continue its consideration of this question at its fifty-fifth session under the same agenda item.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

1998/60. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling also its resolution 1997/49 of 11 April 1997, General Assembly resolution 52/135 of 12 December 1997 and previous relevant resolutions, including Commission resolution 1993/6 of 19 February 1993, in which it

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requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Recognizing that the tragic history of Cambodia requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris in 1991,

Desiring that the United Nations respond positively to assist efforts to investigate Cambodia's tragic history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and her visit to Cambodia in January 1998,

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General concerning the role of the Office of the High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/52/489, sect. III), and encourages the Government of Cambodia to continue to cooperate with the Office, particularly in the run-up to the national elections;

3. *Also welcomes* the agreement by the Government of Cambodia to extend the mandate of the office in Phnom Penh of the High Commissioner for Human Rights, enabling the Office of the High Commissioner to continue its operations and to maintain its technical cooperation programmes;

4. *Encourages* the Government of Cambodia to request the Office of the High Commissioner for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights, and looks forward to the establishment of such an institution;

5. *Takes note with appreciation* of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1998/95), in particular his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, and child prostitution and trafficking;

6. *Expresses grave concern* about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, and violence in relation to political activities, including those of March 1997 and July 1997, as detailed in the

reports of the Special Representative, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

7. Also expresses grave concern at the situation of impunity in Cambodia and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring security of persons and the rights of association, assembly and expression, remains a matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections;

8. Welcomes the legislative framework adopted by the National Assembly, but calls for the Constitutional Council to be convened as soon as possible, for the political atmosphere in the run-up to and during the elections to be free from intimidation, for the armed forces to remain neutral, for free and equal access for all political parties to the electronic and print media, for the individual vote to be confidential, for full cooperation to be given to local and international observers, and for all parties to act in a constructive manner and to accept the outcome of the elections;

9. Also welcomes the return of political leaders from abroad, a key requirement for a credible election process, and welcomes the role that the office of the Secretary-General in Phnom Penh is playing in monitoring the return of political leaders and their unfettered resumption of political activity;

10. Further welcomes the decision by the Secretary-General to accept the invitation from the Government of Cambodia for the United Nations to play a coordinating role in the international observation of elections scheduled for 26 July 1998;

11. Calls upon Member States to contribute to the election process, including through election assistance, the provision of electoral observers and contributions to the trust fund;

12. Welcomes the ceasefire and calls upon all Cambodian parties to implement its terms fully and to facilitate the integration of all units into the Cambodian armed forces and guarantee their safety;

13. Urges the Government of Cambodia, as a party to the Convention on the Elimination of All Forms of Discrimination against Women, to take all appropriate measures to eliminate discrimination against women, including in the political and public life of the country, and to combat violence against women in all its forms;

14. Also urges the Government of Cambodia to take concrete action to combat child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the High Commissioner for Human Rights, the United Nations Children's Fund and non-governmental organizations to develop an action plan;

15. Expresses appreciation to the Government and people of Thailand for the humanitarian assistance provided to displaced persons from Cambodia, welcomes the role of United Nations agencies in the repatriation of refugees and displaced persons, and calls upon the Government of Cambodia to ensure their full reintegration into Cambodian society and political life, and, in particular, to exercise its best efforts to enable their participation in the forthcoming elections;

16. Welcomes the signing in May 1997 of a memorandum of understanding between the International Labour Organization and the Government of Cambodia to formalize areas of cooperation in the field of child labour;

17. Notes with concern the Special Representative's comments about the judicial system and the prison administration, and strongly urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;

18. Expresses grave concern at the devastating consequences of the use of anti-personnel landmines on Cambodian society and encourages the Government of Cambodia to continue its efforts for the removal of these mines and to give priority to adopting the draft law on banning all anti-personnel landmines;

19. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present, and notes with concern that no Khmer Rouge leader has been brought to account for his crimes;

20. Requests the Secretary-General to examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, including the possibility of the appointment, by the Secretary-General, of a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

21. Encourages the Government of Cambodia to include Cambodian human rights non-governmental organizations in the rehabilitation and reconstruction of Cambodia;

22. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

23. Requests the Secretary-General to report to the Commission at its fifty-fifth session on the role of the Office of the High Commissioner for

Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-fifth session under the agenda item entitled "Advisory services in the field of human rights".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

1998/61. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of the Commission being resolution 1997/58 of 15 April 1997,

Mindful that the new Government of the Democratic Republic of the Congo has inherited a chaotic situation with the adverse effects of a deteriorating economy, a very high inflation rate and a low investment in health, education and housing after decades of dictatorship,

Conscious that the massive presence of Rwandan refugees in the eastern part of the Democratic Republic of the Congo has created major economic, social and political problems,

1. Welcomes:

(a) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1998/65 and Corr.1);

(b) The expressed commitment of the Government of the Democratic Republic of the Congo to a process of democratization, leading, through the creation of democratic institutions and the holding of elections, to the creation of a State based on the rule of law and respect for human rights, including representative and accountable government, reflecting the aspirations of the people of the Democratic Republic of the Congo;

(c) The establishment by the Government of the Democratic Republic of the Congo of the Constitutional Commission, inaugurated on 5 November 1997, and looks forward to the presentation of a new constitution for which the Government of the Democratic Republic of the Congo has set out a detailed timetable;

(d) The expressed commitment of the Government of the Democratic Republic of the Congo to reform and restore the efficacy of the judicial system;

(e) The efforts undertaken by the new Government to subordinate the armed forces to the effective rule of law;

(f) The recent convening of an interministerial seminar, attended by non-governmental organizations, on the place of human rights in the National Reconstruction Strategy and its conclusions on strengthening cooperation between the Government and non-governmental organizations;

(g) The Government's willingness to include human rights education in the primary and secondary school curricula;

2. Expresses its concern:

(a) At the human rights situation, particularly in the east of the country where acts of violence continue;

(b) At the continuing violations of human rights and fundamental freedoms, and in particular:

(i) At the occurrence of the arbitrary arrest and detention without trial of civilians, including journalists and opposition politicians and human rights defenders;

(ii) At the trial of civilians and the use of the death penalty by military courts in disregard of the provisions of the International Covenant on Civil and Political Rights;

(iii) At the temporary suspension of the activities of political parties, pending the referendum on a new constitution, and at the fact that certain opposition figures have been detained or banished from Kinshasa;

(iv) At recent restrictions on the work of non-governmental organizations and, in particular, at the seizure of the report of a human rights organization and its recent dissolution;

(c) At the refusal to allow the Special Rapporteur to visit the Democratic Republic of the Congo in the discharge of his mandate and at the inability of the joint mission set up under Commission resolution 1997/58 to gain access in order to carry out its mandate;

(d) At the large numbers of refugees and displaced persons in the Democratic Republic of the Congo who disappeared between 1994 and 1997 and who have not yet been accounted for, and at serious allegations of killings and other human rights abuses in this connection;

3. Calls upon the Government of the Democratic Republic of the Congo:

(a) To implement fully its commitment to the democratization process, respect for human rights and the rule of law;

(b) To continue with its timetable for preparations for the holding of free and fair elections, drawing, where appropriate, on assistance from the international community, and to allow the full restoration of political party activity sufficiently in advance of those elections to provide a meaningful choice for the people of the Democratic Republic of the Congo;

(c) To ensure full respect for freedom of opinion and expression, including for all mass media, as well as freedom of association and assembly throughout the territory of the Democratic Republic of the Congo;

(d) To work closely and strengthen further its cooperation with the office of the United Nations High Commissioner for Human Rights in Kinshasa;

(e) To promote human rights awareness, including by strengthening cooperation with civil society, including human rights non-governmental organizations;

4. Expresses its serious concern at the circumstances which obliged the Secretary-General to withdraw the Investigative Team set up under his auspices, including a series of obstacles faced by the team, the temporary detention of one team member, the seizure of United Nations documents and allegations of intimidation of witnesses; notes that the Secretary-General's Investigative Team will prepare a report based on its work to date in the Democratic Republic of the Congo and on such other sources as are available to it; requests the Secretary-General to report, with any comments and recommendations he may wish to make, inter alia, to the General Assembly and to the Commission at its fifty-fifth session; and demands that the Government of the Democratic Republic of the Congo cooperate fully with the Secretary-General, the United Nations High Commissioner for Human Rights and the Commission in addressing the allegations in question;

5. Decides:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session on human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also requests the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To request the international community to support the office of the High Commissioner for Human Rights in Kinshasa, in order, in particular:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes with the Government of the Democratic Republic of the Congo, including supporting efforts by the Government towards strengthening the judicial system;

(ii) To strengthen its support for, and continue and expand its cooperation with human rights non-governmental organizations in the Democratic Republic of the Congo;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 20.]

56th meeting
21 April 1998
[Adopted by a roll-call vote of 28 votes to 7,
with 18 abstentions. See chap. X.]

1998/62. Human rights situation in southern Lebanon and western Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and western Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Fourth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolution 425 (1978) of 19 March 1978,

Recalling the provisions of the April Understanding of 26 April 1996,

Censuring the repeated Israeli aggressions in southern Lebanon and western Bekaa, which cause a large number of deaths and injuries among civilians, displace thousands of families and destroy dwellings and properties, Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and western Bekaa and that the peace negotiations will continue with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese citizens in the detention centres of Khiyam and Marjayoun, and at the death of some of these detainees as a result of ill-treatment and torture,

Expressing its indignation at the ruling made public on 4 March 1998 by the Israeli Supreme Court permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and as a bargaining card, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolution 1997/55 of 15 April 1997, and expressing its deep regret at the failure of Israel to implement that resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and western Bekaa, demonstrated in particular by the abduction and ongoing arbitrary detention of Lebanese citizens, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombardment of peaceful villages and civilian areas, and other practices violating the most fundamental principles of human rights;

2. Calls upon Israel to put an immediate end to such practices, consisting in air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolution 425 (1978) requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and western Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and western Bekaa, to refrain from holding Lebanese detainees incarcerated in its prisons as hostages for bargaining purposes and to release them all immediately, as well as the other persons detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and other provisions of international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and western Bekaa, to commit itself to allowing the International Committee of the Red Cross and other international humanitarian organizations to recommence their periodic visits to the detainees and to verify their health and humanitarian conditions and, in particular, the circumstances in which some of them died as a result of ill-treatment and torture, and to allow the families of the detainees to resume their visits to the Khiyam detention centre to which they have been totally denied access since 10 September 1997;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session on the results of his efforts in this regard;

7. Decides to continue its consideration of the human rights situation in southern Lebanon and western Bekaa at its fifty-fifth session.

56th meeting
21 April 1998
[Adopted by a roll-call vote of
52 votes to 1. See chap. X.]

1998/63. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Mindful that Myanmar is a party to the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949 on the protection of war victims,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 52/137 of 12 December 1997 and Commission resolution 1997/64 of 16 April 1997,

1. Welcomes:

(a) The report of the Special Rapporteur (E/CN.4/1998/70) and the report of the Secretary General (E/CN.4/1998/163, annex);

(b) The cooperation by the Government of Myanmar with the Office of the United Nations High Commissioner for Refugees and international non-governmental organizations with respect to the voluntary repatriation and reintegration of returnees from Bangladesh, and takes note of the role of the United Nations Children's Fund in the promotion in Myanmar of the Convention on the Rights of the Child;

(c) The accession by the Government of Myanmar on 22 July 1997 to the Convention on the Elimination of All Forms of Discrimination against Women;

(d) The Secretary-General's meeting with Senior General Than Shwe, Chairman of the State Peace and Development Council and Prime Minister, and the visits to Myanmar by the Special Envoy of the Secretary-General in May 1997 and January 1998, for the purpose of discussions with the Government and with Aung San Suu Kyi and other political leaders;

(e) The remission of sentences for some long-term prisoners announced by the Government of Myanmar in December 1997, and calls for this to be widened to include prisoners imprisoned for their peaceful political activities;

(f) The holding of the Party Congress of the National League for Democracy in September 1997 and subsequent meetings marking Myanmar's National Day, Independence Day and Union Day;

2. Takes note of the contact, despite its limited nature, between the Government of Myanmar and the National League for Democracy, but deeply regrets the failure of the Government to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups;

3. Expresses its deep concern:

(a) At the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions and enforced disappearances, torture, abuse of women and children by government agents, arbitrary seizures of land and property, violations of freedom of movement of people and goods, and the imposition of oppressive measures directed in particular at ethnic and religious minorities, including systematic programmes of forced relocation, and the widespread use of forced labour, including for work on infrastructure projects and as porters for the army;

(b) At the severe restrictions on the freedoms of opinion, expression, assembly and association; at the restrictions on citizens' access to information, including censorship controls on all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel abroad, including the denial of passports on political grounds; at the continued closure for political reasons of most institutions of higher education; at the absence of due process of law, including arbitrary arrests and politically motivated arrests and detention, the detention of prisoners without trial and the trial of detainees in secrecy without proper legal representation; and at the inhuman treatment of prisoners, leading to illness and deaths in custody, as reported by the Special Rapporteur;

(c) At the violations of the rights of women, especially women who are refugees, internally displaced women and women belonging to ethnic minorities or the political opposition, in particular forced labour, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;

(d) At continuing violations of the rights of children in contravention of the Convention on the Rights of the Child, in particular by the lack of conformity of the existing legal framework with the Convention, by recruitment of children into forced labour programmes and into the armed forces, and by discrimination against children belonging to ethnic and religious minority groups;

(e) At the violations of the rights of persons belonging to minorities, including the systematic programmes of forced relocations directed against ethnic minorities, notably in Karen, Kayan, Rakhine and Shan States and in Tennasserim Division, resulting in displaced persons and flows of refugees to neighbouring countries, thus creating problems for the countries concerned, and deplores recent attacks on camps on the border between Thailand and Myanmar;

(f) That the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the democratic elections of 1990, while noting that the absence of respect for the rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar;

(g) That the Government of Myanmar refuses to cooperate with and has not yet agreed to a visit by the Special Rapporteur;

(h) That most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of the objectives of the National Convention is to maintain the participation of the armed forces in a leading role in the future political life of the State; notes also with concern that the composition and working procedures of the National Convention do not permit the elected representatives of the people freely to express their views; and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

(i) At the restrictions placed upon political leaders, particularly Aung San Suu Kyi, at the continued harassment, arrest and detention of members and supporters of the National League for Democracy and other democratic groups, students, trade unionists and members of religious orders for peacefully exercising their right to freedom of expression, assembly and association, at the harsh sentences imposed on supporters of the National League for Democracy in December 1997, and at the forced resignations of elected representatives;

(j) At the imprisonment of members of the National League for Democracy, among others, and at restrictions which have substantially disrupted legitimate gatherings of the National League for Democracy;

4. Calls upon the Government of Myanmar:

(a) To guarantee an end to violations of the right to life and integrity of the human being and to ensure full respect for human rights and fundamental freedoms, including freedoms of thought, opinion, expression, association and assembly, the right to a fair trial by an independent and impartial judiciary, and the protection of the rights of persons belonging to ethnic and religious minorities;

(b) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and with leaders of ethnic groups, with the aim of achieving national reconciliation and restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

(c) To take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

(d) Urgently to improve conditions of detention and to allow the competent international humanitarian organizations to communicate freely and confidentially with prisoners;

(e) To cooperate fully and unreservedly with the relevant mechanisms of the Commission on Human Rights, in particular with the Special Rapporteur, and to ensure his access to Myanmar in order to establish direct contact with the Government and with any person in the country whom he may deem appropriate, to allow him fully to discharge his mandate;

(f) To continue to cooperate with the Secretary-General or his representatives and to broaden this dialogue, including through allowing access to any person deemed appropriate by the Secretary-General, as well as to implement their recommendations;

(g) To ensure the safety and physical well-being of all political leaders, including Aung San Suu Kyi, to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders, and to release immediately and unconditionally those detained for political reasons, to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(h) To fulfil its obligations under the Convention on the Rights of the Child, including as set out in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.69), and under the Convention on the Elimination of All Forms of Discrimination against Women and to consider becoming a party to the International Covenant on Civil and

Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1951 Convention relating to the Status of Refugees, as well as to other human rights instruments;

(i) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail themselves of services offered by impartial humanitarian bodies;

(j) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (Convention No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (Convention No. 87) of the International Labour Organization, and to cooperate more closely with the International Labour Organization, in particular with the Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organization;

(k) To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including, where these are lacking, rights of full citizenship, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

(l) To fulfil its obligations to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

(m) To investigate the circumstances which led to the death in June 1996 of James Leander Nichols while detained by the Government of Myanmar and to prosecute the person or persons responsible;

5. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar;

(c) To request the Secretary-General to continue his discussions with the Government of Myanmar and anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 52/137 and of the present resolution;

(d) To continue its consideration of this question at its fifty-fifth session.

56th meeting
21 April 1998
[Adopted without a vote. See chap. X.]

1998/64. Situation of human rights in Nigeria

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling that Nigeria is a party to, inter alia, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling also previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 52/144 of 12 December 1997 and Commission resolution 1997/53 of 15 April 1997,

Noting that the Commonwealth has been concerned about the continued existence of a military Government and the failure to observe fundamental human rights, and has decided that Nigeria should remain suspended from the Commonwealth,

Noting also the decision of the Governing Body of the International Labour Organization at its 271st session in March 1998 to initiate a Commission of Inquiry into abuses of labour rights in Nigeria under the procedure set out in article 26, paragraph 4, of the Constitution of the International Labour Organization,

1. Welcomes:

(a) The report of the Special Rapporteur on the situation of human rights in Nigeria (E/CN.4/1998/62);

(b) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October 1998, and recalls in this regard the declaration of 1 October 1995 which General Abacha reconfirmed on 17 November 1997;

2. Expresses its deep concern:

(a) At continuing grave violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That a number of military and civilian persons are being tried, in camera and without access to a lawyer of their own choice, in connection with an alleged coup attempt, by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(c) At the life-threatening prison conditions and at the death while in detention of Shehu Yar'Adua;

(d) That the Nigerian authorities have refused a visit by the Special Rapporteur;

(e) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

3. Calls upon the Government of Nigeria:

(a) Urgently to ensure the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners including those detained in connection with the 1993 presidential elections, among them Chief M. K. O. Abiola, trade union leaders, human rights advocates and journalists currently detained and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

(b) To repeal all relevant decrees which oust the jurisdiction of the courts and to ensure that court orders are promptly and fully implemented;

(c) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(d) To ensure that the treatment of prisoners and their conditions of detention are in accordance with recognized international standards;

(e) To abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments - noting with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria (see CCPR/C/79/Add.65) - and to respect the decisions of the African Commission on Human and Peoples' Rights as cited by the Special Rapporteur in his report;

(f) To take concrete and credible steps to restore democratic government without delay, to end rule by decree and to permit an observer presence during transition, as recommended by the United Nations fact-finding mission;

(g) To fulfil its obligations under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (Convention No. 87) of the International Labour Organization and to cooperate without delay with the Commission of Inquiry of the International Labour Organization;

(h) To ensure the independence of the National Human Rights Commission in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993;

(i) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(j) To cooperate fully with the Commission on Human Rights and its mechanisms, including requests by the Special Rapporteur to visit Nigeria;

(k) To implement fully all the other recommendations of the Special Rapporteur;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1997/53, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To continue its consideration of the situation of human rights in Nigeria at its fifty-fifth session under the same agenda item.

56th meeting
21 April 1998
[Adopted by a roll-call vote of 28 votes to 9,
with 16 abstentions. See chap. X.]

1998/65. Situation of human rights in Iraq

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949 on the protection of war victims,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 52/141 of 12 December 1997 and Commission resolution 1997/60 of 16 April 1997;

(b) Security Council resolutions 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; 687 (1991) of 3 April 1991; 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected; and 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997 and 1153 (1998) of 20 February 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies;

(c) The concluding observations of the Human Rights Committee (CCPR/C/79/Add.84), the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.28) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.17) on Iraq's recent reports to these treaty monitoring bodies;

1. Welcomes the report of the Special Rapporteur on the situation of human rights in Iraq(E/CN.4/1998/67) and the observations on the general situation, including in the northern region, and the conclusions and recommendations contained therein, and notes his dismay that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, belief, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, for example the brutal execution of four Jordanian nationals in December 1997 for minor property offences;

(d) Widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

3. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearance for that purpose, and to pay compensation to the families of those who died or disappeared in custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkmen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To put an end without delay to the continuing enforced displacement of persons on discriminatory grounds;

(j) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(l) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997) and 1153 (1998) and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

(m) To ensure further equitable distribution without discrimination to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, in implementation of Security Council resolutions 986 (1995), 1111 (1997), 1129 (1997), 1143 (1997) and 1153 (1998) and the memorandum of understanding with the Secretary-General of May 1996 on this issue, and to cooperate further with international humanitarian agencies for the provision without discrimination of relief to those in need throughout Iraq;

(n) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(c) To continue its consideration of the situation of human rights in Iraq at its fifty-fifth session under the same agenda item.

56th meeting
21 April 1998
[Adopted by a roll-call vote of 32 votes to none,
with 21 abstentions. See chap. X.]

1998/66. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies, Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling in resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993, 1994/70 of 9 March 1994, 1995/75 of 8 March 1995, 1996/70 of 23 April 1996 and 1997/56 of 15 April 1997, and taking note of the report of the Secretary-General on the question (E/CN.4/1998/57),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-fifth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-fifth session.

56th meeting
21 April 1998
[Adopted without a vote. See chap. X.]

1998/67. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Recalling General Assembly resolution 52/140 of 12 December 1997 and its own resolution 1997/59 of 15 April 1997, on the situation of human rights in the Sudan,

Realizing the urgent need for implementing effective measures, nationally, regionally and internationally, to protect the civilian population, especially persons belonging to minorities, women and children, in the Sudan and northern Uganda from the effects of armed conflict,

Noting with deep concern continuing reports of grave human rights abuses and violations in the Sudan, as noted in its resolution 1997/59, including detentions without trial, forced displacement of persons and torture, as described in, inter alia, numerous reports submitted to the General Assembly and the Commission on Human Rights,

Greatly disturbed by reports that these practices have frequently been carried out by agents under government authority or taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as urged by the General Assembly in resolution 52/140,

Expressing concern that the report on the events in Juba issued by the Government of the Sudan does not satisfactorily clarify the question of the summary executions and reported extrajudicial killings, torture and arbitrary arrests which took place in the town of Juba in the summer of 1991,

Pleased at the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression, as well as to the Working Group on Contemporary Forms of Slavery, Amnesty International, the Human Rights Committee of the House of Lords of the United Kingdom of Great Britain and Northern Ireland and the United Nations High Commissioner for Human Rights, Noting with appreciation the report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1998/66),

Noting the establishment by the Government of the Sudan of National Committees for Human Rights Education, and encouraging the Office of the United Nations High Commissioner for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help those committees to improve the observance of human rights in the Sudan,

Welcoming the establishment by the Consultative Council for Human Rights of subcommittees on detentions without trial, arrests, torture and lack of due process of law; religious persecution; forced displacement and bombardments; extrajudicial killings; access for relief organizations and humanitarian law; slavery and disappearances; the rights of women; the rights of the child; and freedom of expression and peaceful assembly, and expressing the hope that its efforts will positively influence the human rights situation in the Sudan,

Also welcoming the emerging efforts of the Government of the Sudan which are centred on rehabilitating street children and reuniting them with their families,

1. Expresses its deep concern at continued serious human rights violations in the Sudan, including summary executions, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons, systematic torture, and denial of the freedoms of religion, expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

2. Also expresses its deep concern at the actions by all parties to the conflict, including abduction, trafficking and sale of children, kidnappings, arbitrary detention, forced conscription, indiscriminate killings and forced displacement in the Sudan and neighbouring countries, as well as the failure to safeguard prisoners of war;

3. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected civilians and to cooperate with initiatives of the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance;

4. Renews its call to the Government of the Sudan to respect human rights fully, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

5. Urges the Government of the Sudan to ensure that all limitations on the construction of places of worship are abolished and that the destruction of places of worship ceases and to establish a culture of religious tolerance and non-discrimination that does not jeopardize the free exercise of religious activities;

6. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including landmines, against the civilian population, and to protect all civilians, especially persons belonging to minorities, women and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

7. Again urges the Government of the Sudan to release all remaining political detainees, to cease all acts of torture and cruel, inhuman or degrading punishment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them and that such persons receive prompt, just and fair trials under internationally recognized standards;

8. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

9. Also calls upon the Government of the Sudan and other parties to civil conflicts to ensure that their forces are properly trained and act in compliance with the standards set forth in international humanitarian law, and that those responsible for violations of such law are brought to justice;

10. Urges the Government of the Sudan to investigate reports that its policies and activities support, condone, encourage or foster abduction, sale or trafficking of children and that it subjects children to forced internment, indoctrination or other cruel, inhuman or degrading treatment or punishment, and also urges the Government of the Sudan to terminate immediately any such policies or activities and bring to trial any persons suspected of supporting or participating in them and to facilitate the safe return of affected children to their families;

11. Welcomes the assistance which the Government of the Sudan provided to the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees in the return of a group of abducted Ugandan children to their home country, and urges continued cooperation by the Government of the Sudan to achieve the return of the remaining abducted children;

12. Calls upon the Government of the Sudan to cooperate fully with the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, and expresses the hope that the Committee will, in an independent manner, actively pursue investigations into cases of slavery, the slave trade, forced labour and similar institutions and practices in all parts of the country, producing more than the single report which it has published thus far;

13. Urges the Government of the Sudan to take all appropriate measures to put an immediate end to these practices;

14. Also urges the Government of the Sudan to bring to an end without delay all violations of human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I) adopted by the Fourth World Conference on Women, and to take urgent measures to ensure the repeal of all legislative and other measures which discriminate against women;

15. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

16. Urges all parties to the conflict to cooperate fully with the peace efforts of the Intergovernmental Authority on Drought and Development to negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby facilitating the return of refugees and internally displaced persons to their homes;

17. Expresses the hope once again that the dialogue between non-governmental organizations and religious minorities in the Sudan will be continued in order to improve relations between those minorities and the Government of the Sudan;

18. Decides to extend the mandate of the Special Rapporteur for an additional year;

19. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

20. Stresses the importance of the Special Rapporteur continuing to apply a gender perspective systematically in the reporting process, including in information collection and in recommendations;

21. Encourages the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan;

22. Recommends that priority be given, within existing resources, to the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and for the objectives suggested by the Special Rapporteur;

23. Requests the Special Rapporteur to report to the Commission on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fifth session, reassess such need;

24. Also requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session;

25. Decides to continue its consideration of this question as a matter of priority at its fifty-fifth session.

56th meeting
21 April 1998
[Adopted by a roll-call vote of 31 votes to 6, with 16 abstentions. See chap. X.]

1998/68. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 51/92 of 12 December 1996, in which the Assembly requested the Special Rapporteur to submit to it at its fifty-third session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. Calls upon the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

6. Takes note of the report of the Special Rapporteur (E/CN.4/1998/68 and Corr.1 and Add.1-3), including the attention given therein to various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions, as well as the recommendations made after his visits to particular countries;

7. Commends the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages him to continue, within the framework of his mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before him and to follow up communications and country visits;

8. Requests the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit his findings on an annual basis, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in his work;

9. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights and encourages the Special Rapporteur to continue efforts in this regard;

11. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public demonstrations, internal and communal violence, disturbances, tension and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

12. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

13. Strongly urges all Governments:

(a) To cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests, in keeping with the usual terms of reference for missions by special rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

14. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, invites them to report to the

Special Rapporteur on actions taken on those recommendations, and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. _Expresses its concern_ that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. _Encourages_ Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. _Requests_ the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources, in order to enable him to continue to carry out his mandate effectively, including through country visits;

18. _Also requests_ the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

19. _Further requests_ the Secretary-General to continue, in close collaboration with the High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

20. _Decides_ to extend the mandate of the Special Rapporteur for three years;

21. _Also decides_ to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-fifth session under the same agenda item;

22. _Recommends_ the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sec. B, draft decision 25.]

57th meeting
21 April 1998
[Adopted without a vote. See chap. X.]

1998/69. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolutions S-3/1 of 25 May 1994, 1995/91 of 8 March 1995, 1996/76 of 23 April 1996 and 1997/66 of 16 April 1997,

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms as well as to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Noting the massive return to the country from the Democratic Republic of the Congo and the United Republic of Tanzania of more than one million Rwandan refugees and welcoming the efforts made by the Government to resettle and reintegrate those refugees,

Welcoming the ongoing rehabilitation of the judicial system of Rwanda, recognizing the need to continue prosecution by national jurisdictions of those suspected of having committed the crime of genocide and the massacres in Rwanda, and concerned by the very large number of detainees awaiting trial,

1. Takes note with satisfaction of the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (E/CN.4/1998/60), the report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (E/CN.4/1998/61) and the report of the Special Rapporteur on violence against women on her mission to Rwanda (E/CN.4/1998/54/Add.1);

2. Commends the Government of Rwanda for the cooperation and assistance extended to the Special Representative and the Special Rapporteur on violence against women, and noting its cooperation with the Human Rights Field Operation in Rwanda;

3. Encourages further efforts by the Government of Rwanda to build a State based on the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments;

4. Reiterates its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights perpetrated in Rwanda, and expresses its concern at the continuation of human rights violations in Rwanda;

5. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of human rights and international humanitarian law are individually responsible and accountable for those violations;

6. Urges the Government of Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women;

7. Strongly condemns continuing violence and genocidal activities perpetrated in Rwanda by former members of the Rwandan armed forces, Interahamwe and other insurgent groups, and notes with concern the negative impact they may have on the efforts of the Government of Rwanda to consolidate peace and security and achieve national unity, reconciliation and reconstruction;

8. Condemns the illegal sale and distribution of arms, which undermine peace and stability in Rwanda and the region;

9. Encourages the Government of Rwanda to continue to investigate and prosecute violations of human rights and humanitarian law committed by individual members of the security forces in the course of military operations against insurgent groups, including through strengthening military justice, with assistance from donor States;

10. Affirms the importance it attaches to the safety of the staff of the United Nations and other humanitarian workers serving in Rwanda;

11. Welcomes the draft Law on Matrimonial Property and Succession now under consideration in Rwanda and encourages the Government of Rwanda to continue its efforts to improve the welfare, status and role of women, especially genocide survivors and returnees, in Rwandan society, with particular attention to matters concerning property;

12. Reiterates its sympathy and solidarity with genocide survivors, commends the Government of Rwanda for establishing a fund to assist them, commends those Governments that have contributed to the fund and urges other States to contribute generously;

13. Commends the work carried out by the Human Rights Field Operation in Rwanda and welcomes the ongoing review of its role, priorities and functions;

14. Expresses its deep concern regarding the conflict in the north-west of Rwanda and recognizes the need to improve monitoring of human rights abuses in that region, in particular by strengthening national human rights monitoring capacity;

15. Notes the progress made by the Government of Rwanda in establishing a national human rights commission;

16. Encourages the Government of Rwanda to facilitate a broad public debate on how a national human rights commission can be made an independent and effective institution, established by law and based on recognized international norms;

17. Requests the international community to provide financial and technical support necessary for the reconstruction of human rights infrastructure generally and the effective functioning of a national human rights commission in particular;

18. Welcomes the continuation of the trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, and stresses the need for continued efforts by the Government of Rwanda to further strengthen fair-trial guarantees;

19. Expresses concern that perpetrators of the genocide and other gross violations of human rights continue to evade justice;

20. Reiterates its request that all States cooperate fully with the International Tribunal for Rwanda and the Government of Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

21. Expresses concern at the slow rate of progress in the proceedings of the International Tribunal for Rwanda and encourages further measures to speed up proceedings;

22. Reiterates its concern at the conditions of detention in some detention centres, emphasizes the need for greater attention and resources to be directed to this problem and again urges the international community to assist the Government of Rwanda in this area;

23. Welcomes and encourages the efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files, and affirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally;

24. Reiterates its appeal to the international community to provide financial and technical assistance to the Government of Rwanda to help strengthen the administration of justice, including as regards adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation assistance already provided by the donor community;

25. Recommends that the international community continue to provide development assistance for the reconstruction and long-term stability of Rwanda;

26. Welcomes the commitment of the Government of Rwanda to promoting national unity and reconciliation and calls upon the Government to continue its efforts in that field;

27. Commends the Special Representative for his work, decides to extend his mandate for a further year, requests him to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session, in accordance with his mandate, and requests the Secretary-General to provide him with such financial assistance as he may require;

28. Calls for close consultation between the Special Representative and the Government of Rwanda regarding the functioning of the future national human rights commission;

29. Requests the High Commissioner for Human Rights to submit reports on the work of the Human Rights Field Operation in Rwanda and on the implementation of the present resolution to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session;

30. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 26.]

57th meeting
21 April 1998
[Adopted without a vote. See chap. X.]

1998/70. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also its previous relevant resolutions, most recently resolution 1997/65 of 16 April 1997, as well as General Assembly resolutions 52/145 of 12 December 1997 and 52/211 of 19 December 1997, Security Council resolution 1076 (1996), of 22 October 1996, and the statements by the President of the Security Council of 16 December 1997 (S/PRST/1997/55) and 6 April 1998 (S/PRST/1998/9), Concerned that armed confrontation persists in Afghanistan and by the increasingly ethnic nature of the conflict,

Recalling that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all key actors in Afghanistan,

Taking into account the report of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women on her visit to Afghanistan in November 1997,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1998/71) and of the conclusions and recommendations contained therein;

2. Notes with deep concern:

(a) The ongoing further deterioration of the situation of human rights in Afghanistan;

(b) The continuing and substantiated reports of violations of the human rights of women and girls, including all forms of discrimination against them, particularly in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan, which have resulted in extensive human suffering, forced displacement, including on the grounds of ethnicity, and which hinder the return of the internally displaced to their homes;

(d) Reports of mass killings and atrocities committed by combatants against the civilian population and prisoners of war;

(e) The sharp deterioration of the humanitarian situation in several areas of Afghanistan;

(f) The continued displacement of millions of Afghan refugees in Pakistan and the Islamic Republic of Iran;

(g) Reports of the destruction and looting of the cultural and historical heritage of Afghanistan;

(h) The lack of major reconstruction in Afghanistan;

3. Condemns:

(a) The widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, and, in particular, the human rights of women and girls;

(b) The frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country, including the recent public executions of male convicts which were carried out by burying the victims alive;

(c) Actions by all parties that constitute interference with the delivery of humanitarian assistance to the civilian population of Afghanistan and which jeopardize the safety of humanitarian personnel, such as the blockade of the Bamyan region and the bombing of the Bamyan airport, as well as the looting, particularly by elements of the Northern Alliance, on a massive scale of United Nations and other warehouses and offices in Mazar-e-Sharif;

4. Urges all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs;

5. Urges all the Afghan parties:

(a) To cease hostilities immediately and to work and cooperate fully with the Special Envoy of the Secretary-General and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and dignity and to the establishment of a broad-based fully representative Government through the full exercise of the right to self-determination of the people of Afghanistan;

(b) To bring to an end without delay all violations of human rights of women and girls and to take urgent measures to ensure:

- (i) The repeal of all legislative and other measures which discriminate against women;
- (ii) Effective participation of women in civil, cultural, economic, political and social life throughout the country;
- (iii) Respect for the right of women to work, and reintegration in their employment;
- (iv) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;
- (v) Respect for women's right to security of person, and to ensure that those responsible for physical attacks on women are brought to justice;
- (vi) Respect for women's freedom of movement and effective and equal access to facilities necessary to protect their right to the highest attainable standard of physical and mental health;

(c) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, and to prohibit forced conscription and the drafting and recruitment of children as para-combatants and ensure their reintegration into society;

(d) To provide sufficient and effective remedies to the victims of grave violations and abuses of human rights and of accepted humanitarian rules and to bring the perpetrators to trial;

(e) To fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as of their premises in Afghanistan, and to cooperate, fully and without discrimination on grounds of gender, nationality or religion, with the United Nations and associated bodies, as well as with other humanitarian organizations and agencies, including the International Committee of the Red Cross, and non-governmental organizations;

(f) To provide the International Committee of the Red Cross access to all prisoners;

(g) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including of civilian foreign nationals, and urges their captors to release them, as well as non-criminal civilian prisoners;

(h) To protect and safeguard the cultural and historical heritage of Afghanistan;

6. Encourages:

(a) The Secretary-General to continue to investigate fully reports of mass killings of prisoners of war and civilians and cases of rape in Afghanistan, and requests all Afghan parties to cooperate with such investigation;

(b) The Secretary-General to exert efforts to ensure a gender perspective in the selection of the staff of the United Nations Special Mission to Afghanistan, in order to enhance the role of women in preventive diplomacy, peacemaking and peacekeeping;

(c) The Special Rapporteur to continue to pay attention to the human rights of women and children and to apply a gender perspective in a similar manner in his report to the Commission at its fifty-fifth session;

(d) The United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning, inter alia, the drafting of a constitution, which should embody internationally accepted human rights principles and provide for the holding of direct elections;

7. Welcomes the recent release of prisoners of war and calls for the unconditional and simultaneous release of all remaining prisoners of war, wherever they are held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as a result of the war;

8. Appeals to Member States and to the international community:

(a) To provide, on a non-discriminatory basis, humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;

(b) To intensify the programme for the removal of millions of anti-personnel landmines laid in Afghanistan;

(c) To ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes, and that women benefit equally with men from such programmes;

(d) To implement the recommendations of the inter-agency gender mission in Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women;

(e) To take urgent measures to prevent the looting of cultural artefacts and ensure that artefacts that have been illegally removed are returned to Afghanistan;

9. Requests:

(a) The Afghan parties to continue to extend their full cooperation to the Special Rapporteur and to facilitate his access to all sectors of society and to all parts of the country;

(b) The Secretary-General to give all necessary assistance to the Special Rapporteur;

(c) The United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

10. Decides:

(a) To extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session;

(b) To continue its consideration of the situation of human rights in Afghanistan, as a matter of high priority, at its fifty-fifth session under the same agenda item.

57th meeting
21 April 1998
[Adopted without a vote. See chap. X.]

1998/71. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1997/67 of 16 April 1997,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Considering that, since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has benefited from the advisory services of the Office of the United Nations High Commissioner for Human Rights, and that the Special Rapporteur has again observed progress in the field of human rights and fundamental freedoms, as indicated in his reports (E/CN.4/1996/67 and Add.1, E/CN.4/1997/54 and E/CN.4/1998/73 and Add.1),

Taking note of the observation of the Special Rapporteur that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and his observations that there exists political will on the part of the authorities and that the efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Considering that the Government of Equatorial Guinea has taken steps to promote and protect human rights and fundamental freedoms, and that such action constitutes a priority in its programme of good governance,

Noting with concern the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights, including cases of prolonged incommunicado detention,

Noting with satisfaction that in February 1997 the Government of Equatorial Guinea and the opposition political parties resumed the political dialogue to revise the National Pact signed in 1993, and that the results of these negotiations were to the satisfaction of all parties,

Noting that legislative elections are to be held in 1998,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1998/73 and Add.1) and welcomes the report and the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea provided him during his mission;

2. Expresses its appreciation of the efforts of the Government of Equatorial Guinea in welcoming the advisory services and technical assistance of the Office of the High Commissioner for Human Rights, which has led to progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. Expresses its satisfaction at the efforts of the Government and the political parties of Equatorial Guinea in continuing the political dialogue and the revision of the National Pact, as well as at the effective realization and observation of the agreements relating to the National Pact, and encourages both the Government and the opposition to proceed to their prompt implementation;

4. Welcomes the first National Economic Conference held in Bata from 8 to 13 September 1997 on the initiative of the Government of Equatorial Guinea with the participation of all the political forces and national and international economic actors, and takes note of the positive results of the Conference, which adopted a better and more transparent administrative and economic programme for national development;

5. Encourages the Government of Equatorial Guinea to pursue the efforts which it has already undertaken to integrate women effectively into the process of the socio-economic, cultural and political development of the country;

6. Also encourages the Government of Equatorial Guinea to promote the necessary conditions so that everyone enjoys full economic, social and cultural rights;

7. Calls upon the Government of Equatorial Guinea to take the appropriate measures so as to avoid any form of discrimination against ethnic groups;

8. Invites Equatorial Guinea to become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination;

9. Encourages the Government of Equatorial Guinea to continue its efforts to promote and protect human rights and fundamental freedoms as set out in its programme of priorities in the fields of democracy, human rights and governance presented in 1997, and in particular:

(a) To pursue its efforts to improve both the functioning of the judiciary and the training of judges, prosecutors and lawyers in order to ensure the proper, guaranteed and effective administration of justice, and strictly to limit military courts to trying military offences committed by military personnel;

(b) To publish regularly laws, decrees and other governmental acts;

(c) To reiterate its instructions to the forces of law and order not to order or make arbitrary arrests and to respect the right of individuals to security, physical integrity and freedom;

(d) To take the necessary measures to avoid acts of torture and cruel, inhuman or degrading treatment or punishment;

(e) To continue its efforts to investigate and impose criminal and disciplinary penalties on those responsible for violations of human rights;

10. Welcomes the improvements in the conditions of prisoners and detainees introduced by the competent authorities, and requests that these efforts continue in accordance with the recommendations of the Special Rapporteur;

11. Calls upon the Government of Equatorial Guinea to adopt the necessary measures to guarantee transparency and respect for the electoral process in the legislative elections to be held in 1998, with a view to facilitating the free participation of political parties, and calls upon all parties to continue to contribute to the progress of the democratic process;

12. Requests the United Nations High Commissioner for Human Rights to provide technical assistance in order to support the initiative and efforts of the Government of Equatorial Guinea to establish the Centre for the Promotion of Human Rights and Democracy, which was recently legalized by the Government to strengthen national capacities in this field, and calls upon the international community to make voluntary contributions to the relevant fund;

13. Requests the High Commissioner for Human Rights and the Special Rapporteur to continue the technical assistance programme in partnership with the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights;

14. Decides to renew the mandate of the Special Rapporteur for one year;

15. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the discharge of his mandate;

16. Requests the Special Rapporteur to submit to the Commission at its fifty-fifth session a report stressing, in particular, recommendations on technical assistance needs of Equatorial Guinea in the fields of human rights and democracy;

17. Decides to consider this question at its fifty-fifth session;

18. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 28.]

57th meeting
21 April 1998
[Adopted without a vote. See chap. X.]

1998/72. The right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recognizing that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23) through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights,

Expressing its concern, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, that the unacceptable situation of absolute poverty, hunger, disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

Emphasizing that the promotion, protection and realization of the right to development are an integral part of the promotion and protection of all human rights,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development,

Affirming the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process,

Emphasizing that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level, *Welcoming* in this regard the adoption by the General Assembly of the Agenda for Development, annexed to its resolution 51/240 of 20 June 1997, which declares that development is one of the main priorities of the United Nations and which aims at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence,

Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies, and activities of international organizations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141 of 20 December 1993,

Recalling its resolution 1997/72 of 16 April 1997 and noting General Assembly resolution 52/136 of 12 December 1997,

Taking note with interest of the report of the Intergovernmental Group of Experts (E/CN.4/1998/29), including the proposed strategy contained therein, and welcoming in particular the recommendation that a follow-up mechanism be established to ensure promotion and implementation of the Declaration on the Right to Development,

1. *Reaffirms* the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

2. *Recognizes* that the fiftieth anniversary of the Universal Declaration of Human Rights provides an important opportunity to place all human rights - and, in this context, the right to development in particular - at the top of the global agenda;

3. *Reiterates* that:

(a) The essence of the right to development is the principle that the human person is the central subject of development and that the right to life includes within it existence in human dignity with the minimum necessities of life;

(b) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(c) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

4. Reaffirms that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) Development experiences of countries reflect differences with regard to both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(b) A number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy;

(c) At the same time, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties in participating in the globalization process, and many risk being marginalized and effectively excluded from its benefits;

(d) Democracy, which is spreading everywhere, has raised development expectations everywhere, that their non-fulfilment risks rekindling non-democratic forces, and that structural reforms that do not take social realities into account could destabilize democratization processes;

(e) Effective popular participation is an essential component of successful and lasting development;

(f) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social- and people-centered sustainable development;

(g) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

5. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

6. Reaffirms that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured;

7. Affirms that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore

that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

8. Welcomes the intention of the Secretary-General to give high priority to the right to development and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

9. Also welcomes the high priority assigned by the United Nations High Commissioner for Human Rights to activities relating to the right to development, and urges the Office of the High Commissioner to continue implementing Commission resolution 1997/72, in particular with regard to:

(a) Examining ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) Continuing to accord priority to the right to development and providing commensurate support in terms of staff, services and resources for its programmatic follow-up;

(c) Ensuring widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide, inter alia through workshops and seminars;

(d) Projecting the role and importance of the right to development in activities being organized as part of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

(e) Consulting regularly on a formal and informal basis with all States on the follow-up to the Declaration on the Right to Development;

(f) The welcome initiative to organize regional seminars which should focus on all aspects of the realization of the right to development;

(g) Undertaking a dialogue with the World Bank with regard to the right to development, including initiatives, policies, programmes and activities that can promote the right to development, and informing Member States on a regular basis of the progress made in such a dialogue;

10. Decides, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to recommend to the Economic and Social Council the establishment of a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate:

(i) To monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration;

(ii) To review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;

(iii) To present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, _inter alia_, advice to the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, _inter alia_, the deliberations and suggestions of the working group;

11. _Invites_ the High Commissioner for Human Rights to present a report to the Commission each year for the duration of the mechanism, to provide interim reports to the working group and to make those reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in her mandate;

(b) The implementation of resolutions of the Commission on Human Rights and the General Assembly with regard to the right to development;

(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard;

12. _Calls upon_ the Secretary-General to ensure that the working group and the independent expert receive all necessary assistance, in particular the staff and resources required to fulfil their mandates;

13. _Requests_ the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session a comprehensive report on the implementation of the various provisions of the present resolution;

14. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 29.]

58th meeting
22 April 1998
[Adopted without a vote. See chap. VI.]

1998/73. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all cases of hostage-taking,

Recalling its resolution 1997/28 of 11 April 1997 and other previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as a hostage,

Concerned that, despite the efforts of the international community, acts of hostage-taking, in different forms and manifestations, including, inter alia, those committed by terrorists and armed groups, have increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular of the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Reaffirms that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. Condemns all acts of hostage-taking, anywhere in the world;

3. Demands that all hostages be released immediately and without any preconditions;

4. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. Urges all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. Decides to remain seized of this matter.

58th meeting
22 April 1998
[Adopted without a vote. See chap. VIII.]

1998/74. Human rights and thematic procedures

The Commission on Human Rights,

Considering that thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of all human rights have an important role among its human rights monitoring mechanisms,

Emphasizing the importance of the impartiality, objectivity and independence of the thematic procedures, as well as the need for due attention to be paid to violations of human rights wherever they may occur,

Noting with satisfaction that an increasing number of Governments have developed a working relationship with the thematic procedures, in particular in the form of invitations to visit, responses to requests for information and implementation of recommendations, and that numerous non-governmental organizations have also developed a working relationship with the thematic procedures,

Welcoming the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to its resolution 1998/7 of 3 April 1998,

Emphasizing the obligation of Governments not to subject individuals, organizations or groups of persons who have provided information to the special procedures to adverse treatment as a result of such action,

Recalling the applicability of the provisions of the 1946 Convention on the Privileges and Immunities of the United Nations to the work of the experts of the special procedures system in the exercise of their functions, Recalling also all its resolutions on human rights and thematic procedures,

Recalling further:

(a) The recommendations concerning thematic procedures contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which called for the strengthening of special procedures;

(b) The Secretary-General's programme for United Nations reform (A/51/950 and Add.1-7), which calls for mainstreaming human rights in United Nations activities,

Mindful of the request by the Secretary-General to the United Nations High Commissioner for Human Rights to review the human rights machinery and develop recommendations on possible ways to streamline and rationalize it, with a view to strengthening, inter alia, the special procedures,

Welcoming the organization by the High Commissioner for Human Rights of annual meetings of the holders of mandates, as recommended by the World Conference on Human Rights, and the efforts to coordinate activities among various mandates in the areas of urgent actions, missions to the field and relevant meetings and consultations, so as to enhance effectiveness, taking into account the need to avoid unnecessary duplication and overlapping,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

1. Commends those Governments that have invited the thematic special rapporteurs, representatives, experts or working groups to visit their countries and developed other forms of intensive cooperation with the thematic procedures;

2. Encourages all Governments to cooperate with the Commission through the pertinent thematic procedures by:

(a) Responding without undue delay to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

(b) Considering inviting thematic special rapporteurs, representatives, experts and working groups to visit their countries, upon request;

(c) Considering follow-up visits with a view to the effective implementation of recommendations by the thematic procedures concerned;

3. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed without undue delay on the progress made towards their implementation;

4. Invites non-governmental organizations to continue their cooperation with thematic procedures and to ascertain that the material provided is as detailed as possible and falls under the mandate of the procedures;

5. Requests the thematic special rapporteurs, representatives, experts and working groups:

(a) To make recommendations for the prevention of human rights violations;

(b) To follow closely and reflect in their reports progress made by Governments in the investigations carried out within their respective mandates;

(c) To continue close cooperation with relevant treaty bodies and country rapporteurs;

(d) To include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, including in regard to both problems and improvements, as appropriate;

(e) To include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of the human rights of women;

6. Also requests the thematic special rapporteurs, representatives, experts and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights;

7. Requests the Secretary-General, taking note of the recommendations of the meetings of the special rapporteurs, representatives, experts and chairpersons of working groups, to convene further periodic meetings of all the thematic special rapporteurs, representatives, experts and chairpersons of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations;

8. Encourages the High Commissioner for Human Rights, including in the context of the five-year review of the Vienna Declaration and Programme of Action, to strengthen further cooperation among the thematic special rapporteurs, representatives, experts, and members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

9. Suggests that the special rapporteurs, representatives, experts and working groups of the special procedures of the Commission, acting within their mandates, consider how they can also promote public awareness about human rights and about the particular situation of individuals, groups and organs of society that promote and protect human rights and fundamental freedoms;

10. Requests the Secretary-General:

(a) To issue annually and sufficiently early, in close collaboration with the thematic special rapporteurs, representatives, experts and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(b) To present annually a list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission;

11. Also requests the Secretary-General, in implementing the United Nations budget for the current biennium, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs, representatives, experts and working groups by the appropriate United Nations organs.

58th meeting
22 April 1998
[Adopted without a vote. See chap. IX.]

1998/75. Abduction of children from northern Uganda

The Commission on Human Rights,

Recalling the principles set out in the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,

Recalling also the findings and recommendations presented in the final report of the expert appointed by the Secretary-General on the impact of armed conflict on children (see A/51/306 and Add.1),

Recalling further the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 (A/CONF.157/23), which expressed concern about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Recalling the obligation of States parties to respect and strictly observe international humanitarian law in accordance with the Geneva

Conventions of 12 August 1949 for the protection of war victims, the Additional Protocols thereto of 1977 and other principles of international law,

Acknowledging the concern expressed in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.80) about the abduction, killing and torture of children, as well as the recruitment of children as child soldiers, in northern Uganda,

Recognizing the urgent need for the adoption of effective measures, nationally, regionally and internationally, to protect the civilian population, especially women and children, in northern Uganda from the effects of armed conflict,

Expressing profound concern at the continuing abduction, torture, detention, rape and forced recruitment of children from northern Uganda,

1. Takes note of the findings and recommendations contained in the reports issued in 1997 by United Nations bodies and organizations and non-governmental organizations on the abduction of children from northern Uganda;

2. Concurs with the comments of the Committee on the Rights of the Child on the involvement of children in the conflict in northern Uganda, in particular the recommendation on measures to stop the killing and abduction of children and the use of children as child soldiers;

3. Condemns in the strongest terms all parties involved in the abduction, torture, killing, rape, enslavement and forceful recruitment of children in northern Uganda, particularly the Lord's Resistance Army;

4. Demands the immediate cessation of all abductions and attacks on all civilian populations, in particular women and children, in northern Uganda by the Lord's Resistance Army;

5. Calls for the immediate and unconditional release and safe return of all abducted children currently held by the Lord's Resistance Army;

6. Requests the United Nations Voluntary Fund for Victims of Torture, established by the General Assembly by its resolution 36/151 of 16 December 1981, to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army;

7. Urges all Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army to exert all possible pressure on it to release, immediately and unconditionally, all children abducted from northern Uganda;

8. Demands that all parties external to the conflict in northern Uganda supporting, directly or indirectly, the continuing abduction and detention of children by the Lord's Resistance Army cease immediately all such assistance and collaboration;

9. Calls upon Member States to undertake to respect and ensure respect for the rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child;

10. Requests the Special Representative of the Secretary-General on the impact of armed conflict on children, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights and all relevant organizations, agencies and bodies of the United Nations system to address this situation as a matter of priority;

11. Requests the Secretary-General to report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fifth session, through the Economic and Social Council, and to the General Assembly at its fifty-fourth session;

12. Decides to continue its consideration of this question at its fifty-fifth session under the same agenda item.

58th meeting
22 April 1998
[Adopted by a roll-call vote of 24 votes to 1,
with 27 abstentions. See chap. XX.]

1998/76. Rights of the child

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child,

Recalling its resolution 1997/78 of 18 April 1997, as well as all its previous resolutions on this subject,

Recalling also the adoption of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, annexed to its resolution 1992/74 of 5 March 1992, the Programme of Action for the Elimination of the Exploitation of Child Labour, annexed to its resolution 1993/79 of 10 March 1993, and the Programme of Action for the Prevention of the Traffic in Persons and of the Exploitation of the Prostitution of Others (see E/CN.4/Sub.2/1995/28/Add.1),

Taking note of General Assembly resolutions 52/98, 52/99, 52/105, 52/106 and 52/107 of 12 December 1997,

Reaffirming the Declaration and Plan of Action adopted by the World Summit for Children in 1990 (A/45/625, annex) and the Vienna Declaration and Programme of Action (A/CONF.157/23), which, *inter alia*, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children such as female infanticide, harmful child labour, sale of children and their organs, child prostitution and child pornography as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Expressing its support for the ongoing negotiations on the creation of a permanent international criminal court, and inviting those involved to be guided by the principles and provisions of the Convention on the Rights of the Child, as appropriate,

Noting the work carried out by:

(a) The Committee on the Rights of the Child;

(b) The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

(c) The recently appointed Special Representative of the Secretary-General on the impact of armed conflict on children to follow up the recommendations presented in the final report of the expert appointed by the Secretary-General (see A/51/306 and Add.1);

(d) The working groups on draft optional protocols to the Convention on the Rights of the Child relating to the involvement of children in armed conflicts and to the sale of children, child prostitution and child pornography, respectively;

(e) The United Nations Children's Fund;

(f) Other relevant bodies and organizations of the United Nations system, regional organizations, intergovernmental and non-governmental organizations and institutions for the promotion and protection of the rights of the child, and encouraging the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recommending that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Underlining the need for mainstreaming a gender perspective in all policies and programmes relating to children,

Reaffirming, as set out in the Convention on the Rights of the Child, that the best interests of the child should be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. _Welcomes_:

(a) The nearly universal ratification of or accession by States to the Convention on the Rights of the Child, their number, according to the report of the Secretary-General (E/CN.4/1998/99), having reached one hundred and ninety-one, and urges those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority;

(b) The role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation, and takes note of the reports of the Committee on its fourteenth, fifteenth and sixteenth sessions (CRC/C/62, CRC/C/66 and CRC/C/69);

(c) The publication by the United Nations Children's Fund of the _Implementation Handbook for the Convention on the Rights of the Child_, which constitutes an important advocacy tool to promote wider understanding of the principles and provisions of the Convention;

2. _Calls upon_ States parties:

(a) To implement the Convention fully, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

(b) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

(c) To accept the amendment to paragraph 2 of article 43 of the Convention, adopted by the Conference of States Parties to the Convention on 12 December 1995 and approved by the General Assembly in its resolution 50/155 of 21 December 1995, which would increase the membership of the Committee on the Rights of the Child from ten to eighteen experts upon its entry into force;

(d) To ensure that the rights set forth in the Convention are respected without discrimination of any kind based on the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

(e) To ensure that the education of the child shall be carried out in accordance with articles 28 and 29 of the Convention and that the education be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in a spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups, and persons of indigenous origin;

(f) To ensure that every child alleged or recognized as having infringed the penal law is treated with dignity in accordance with the principles and relevant provisions of the Convention;

(g) And organs and bodies of the United Nations, within the scope of their respective mandates, as well as intergovernmental and non-governmental organizations, the media and the community at large, to make the principles and provisions of the Convention widely known to adults and children alike in accordance with article 42 of the Convention and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

3. Decides, with regard to the Committee on the Rights of the Child:

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child, based on voluntary contributions, which provides human resources to assist the Committee with the increasing workload due to the near universalization of the Convention, and requests the Office of the United Nations High Commissioner for Human Rights to brief Governments regularly on the implementation of the Plan of Action;

(b) To encourage the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children requiring special protection;

II

The girl child

4. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and

Platform for Action (A/CONF.177/20, chap. I) that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

5. Calls upon all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, especially the rights and particular needs of girls in education, health and nutrition, and to eliminate harmful cultural attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, inter alia by enacting and enforcing legislation protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(d) To intensify efforts to raise awareness of and to mobilize international and national public opinion concerning the harmful effects of female genital mutilation and other traditional or customary practices affecting the health of women and girls, in particular through education, information dissemination and training, involving, among others, public opinion leaders, educators, religious leaders, medical practitioners, women's health and family planning organizations and the media, in order to achieve the total elimination of these practices, and to support women's organizations at the national and local levels that are working for the elimination of female genital mutilation and other harmful traditional or customary practices;

III

Prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography

6. Welcomes:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1998/101 and Add.1 and 2), which contains a general overview of the latest developments at the national and international levels on the themes under her mandate, and focuses this year on the role of the media and of education in the prevention of the problem of commercial sexual exploitation of children and in assistance to and rehabilitation and reintegration of child victims;

(b) The report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its fourth session (E/CN.4/1998/103);

(c) The measures taken by Governments to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, taking note of the biennial report of the Secretary-General thereon (E/CN.4/Sub.2/1997/11);

7. Calls upon all States:

(a) To develop urgently, implement and enforce measures to eliminate the sale, trafficking, abduction and sexual exploitation or abuse of children, including through child sex tourism, keeping in mind especially the provisions of the Convention on the Rights of the Child and the concrete measures outlined in the Vienna Declaration and Programme of Action and in the Programmes of Action adopted by the Commission in 1992 and 1993, as well as in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996 at the initiative of the Government of Sweden (A/51/385, annex);

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography with the aim of an early agreement on the text, recalling the mandate given to the working group by the Commission in its resolution 1995/78 of 8 March 1995;

(c) To criminalize effectively commercial and all other forms of sexual exploitation and sexual abuse of children, including child sex tourism, while ensuring that the child victims of such exploitation or abuse are not penalized for such practices, to prosecute offenders, whether local or foreign, and to ensure that a person who exploits a child for sexual abuse in another country is prosecuted by competent national authorities, either in the offender's country of origin or in the destination country;

(d) To step up cooperation and concerted action, at the national and international levels, by all relevant authorities and institutions, especially those charged with law enforcement, with a view to combating the existence of a market that encourages such criminal practices against children and dismantling national and international networks trafficking in children;

(e) And relevant United Nations bodies and agencies to allocate resources for comprehensive and gender-sensitive programmes to rehabilitate physically and psychologically child victims of trafficking and of any form of sexual exploitation and abuse, and to promote their social reintegration;

(f) To work towards strengthening partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives, and welcomes the efforts already made in this respect;

(g) To cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her to visit their countries;

8. Decides, with regard to the Special Rapporteur on the sale of children, child prostitution and child pornography:

(a) To renew the mandate of the Special Rapporteur for a further three years, to request the Secretary-General to provide the Special Rapporteur with all necessary assistance, and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fifth session;

(b) To invite the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey to the Commission her findings on developments and her recommendations on the broad range of issues under her mandate;

9. Decides, with regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations and to invite their comments, inter alia on the scope of the optional protocol, in time for circulation prior to the next session of the working group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the working group;

(b) To request the working group to meet for a period of two weeks prior to the next session of the Commission and to redouble its efforts with the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child and, to that end, encourages the Chairman of the working group to conduct broad informal consultations;

IV

Protection of children affected by armed conflict

10. Welcomes:

(a) The appointment for three years of the Special Representative of the Secretary-General on the impact of armed conflict on children, as proposed by the General Assembly in its resolution 51/77 of 12 December 1996, to follow up the practical recommendations contained in the final report of the expert appointed by the Secretary-General on this question (see A/51/306 and Add.1), as well as the first report of the Special Representative (E/CN.4/1998/119);

(b) The report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts on its fourth session (E/CN.4/1998/102), while regretting that consensus was not reached at that session;

11. Calls upon all States:

(a) To consider acceding to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text and of the adoption of a higher standard of protection than the present one contained in article 38 of the Convention, recalling that the original draft used as a basis for the negotiations was prepared by the Committee on the Rights of the Child (E/CN.4/1994/91, annex) and taking into account the report of the working group on its fourth session;

(c) In accordance with the norms of international humanitarian law, to integrate in their military programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

(d) And relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, urges States to take stronger action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims, welcomes increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and in this regard takes due note of the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, opened for signature in Ottawa in 1997, and its implementation by those States that become parties to it, as well as of the amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, of 1996;

12. Calls upon all States and other parties to armed conflict:

(a) To respect international humanitarian law, and in this regard calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent of 1995 entitled "Protection of the civilian population in period of armed conflict", and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) To end the use of children as soldiers and ensure their demobilization, and to implement effective measures for the rehabilitation and reintegration into society of child soldiers, child victims in cases of armed conflict or foreign occupation, including victims of landmines and all other weapons, and victims of gender-based violence, inter alia through adequate education and training, and invites the international community to assist in this endeavour;

(c) As well as United Nations agencies, to ensure access of humanitarian aid and assistance to children affected by armed conflict;

13. Reaffirms:

(a) That rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, and calls upon all States to take all measures required for the protection of children and women from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and prosecute perpetrators;

(b) That all humanitarian responses in situations of armed conflict should emphasize the special reproductive health needs of girls and women, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as human immunodeficiency virus/acquired immune deficiency syndrome, and access to family planning services;

(c) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(d) The importance of special attention for children in situations of armed conflict, in particular in the areas of health and nutrition, education and social reintegration, and in developing emergency and other humanitarian assistance policies and programmes, and of enhanced coordination and cooperation throughout the United Nations system to this end;

(e) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief;

14. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts:

(a) To request the Secretary-General to transmit the report of the working group on the draft optional protocol to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the Special Representative on the impact of armed conflict on children, and intergovernmental and non-governmental organizations, and to invite their comments on the draft protocol contained in annex I negotiated in plenary, as well as on annex II containing the "Chairman's perception" based on informal consultations, in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross and the Committee on the Rights of the Child to consider being represented and the Special Representative to consider being present at the next session of the working group;

(b) To encourage the Chairman of the working group to conduct broad informal consultations with the aim of promoting an early agreement on the optional protocol and to produce a report thereon by the end of 1998 including, if possible, recommendations and/or ideas on the best way for the formal negotiations to proceed;

(c) To request the working group to meet in early 1999, primarily to consider the Chairman's report on the status of the informal consultations, which should be available well in advance, and to report to the Commission on Human Rights at its fifty-fifth session;

(d) To request the Secretary-General to give the necessary support to the working group to meet for a maximum of two weeks, if the working group decides that an agreement on the draft optional protocol is possible at that session;

(e) To reaffirm the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child;

15. Decides, with regard to the Special Representative of the Secretary-General on the impact of armed conflict on children, to recommend that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, to encourage the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and to call upon other institutions and States to provide voluntary contributions for that purpose;

16. Decides, with regard to preventive measures, to request the Secretary-General, in cooperation with States, international organizations and relevant non-governmental organizations, to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

V

Protection of refugee and internally displaced children

17. Calls upon all States:

(a) To protect refugee and internally displaced children, including through policies for their care, well-being and development, in such areas as health, education and psychosocial rehabilitation, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross, in accordance with their obligations under the Convention on the Rights of the Child and taking into account the 1994 guidelines on protection and care of refugee children of the Office of the United Nations High Commissioner for Refugees and the Conclusion on refugee children and adolescents adopted by the Executive Committee of the High Commissioner's Programme at its forty-eighth session in October 1997, as well as the recommendations of the representative of the Secretary-General on internally displaced persons (see E/CN.4/1998/53 and Add.1 and 2);

(b) And United Nations bodies and agencies, in coordination with other international humanitarian organizations such as the International Committee of the Red Cross, to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children, taking into account the 1997 guidelines on policies and procedures in dealing with unaccompanied children seeking asylum of the Office of the United Nations High Commissioner for Refugees;

(c) And other parties to armed conflicts to recognize that refugee and internally displaced children are particularly exposed to the risks of injury, exploitation and death in connection with armed conflicts, such as being forcibly recruited or subjected to sexual violence, abuse or exploitation, stressing the special vulnerability of households headed by children, and calls upon Governments and United Nations bodies and organizations to give those situations urgent attention, enhancing protection and assistance mechanisms, with the participation of women and youth in the design, delivery and monitoring of measures to protect them;

VI

Elimination of the exploitation of child labour

18. Welcomes:

(a) The report of the Secretary-General on exploitation of child labour, submitted pursuant to General Assembly resolution 51/77 of 12 December 1996 (A/52/523), concerning initiatives aimed at eliminating child labour contrary to accepted international standards and appropriate means of improving cooperation in this area at the national and international levels;

(b) Recent publications and reports by the United Nations Children's Fund and the International Labour Organization on child labour, as well as the support given by them to governmental initiatives for the organization of international conferences on child labour at a regional or global level, at which declarations and programmes of action were adopted with the aim of effectively eliminating the exploitation of child labour, giving priority to the immediate elimination of the most intolerable forms of child labour and to the rehabilitation of the children concerned, as well as to the search for alternatives;

(c) The legislative, administrative, social and educational measures taken by Governments to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development, taking into account in particular the relevant provisions of the Convention on the Rights of the Child and of the international instruments of the International Labour Organization, as well as the measures outlined in the Programme of Action for the Elimination of the Exploitation of Child Labour of 1993 and the Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development in 1995 (A/CONF.166/9, chap. I), and calls upon relevant United Nations agencies and bodies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

(d) The efforts by the Committee on the Rights of the Child in the area of child labour, noting its recommendations concerning economic exploitation of children adopted at its fifth session in January 1994 (A/49/41, para. 572 (b)), and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this serious problem when examining reports of States parties;

19. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to child labour, in particular the Forced Labour Convention, 1930 (Convention No. 29) and the Minimum Age Convention, 1973 (Convention No. 138), and those States that are parties to those conventions to implement them effectively, and urges all States, as a matter of priority, to eliminate all extreme forms of child labour such as forced labour, bonded labour and other forms of slavery;

(b) To eliminate progressively and effectively all forms of child labour contrary to accepted international standards, starting with its most grave and intolerable forms, inter alia by implementing national action plans with specific target dates, as well as supporting the forthcoming negotiations at the International Labour Organization for the early finalization of a future instrument aimed at eradicating the most intolerable forms of child labour;

(c) To recognize the right to education by making primary education compulsory and ensuring that all children have access to free and relevant primary education as a key strategy to prevent child labour, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education;

(d) Systematically to assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating such practices, giving special attention to specific dangers faced by girls;

(e) To strengthen international cooperation and coordination, inter alia through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, as a means of assisting Governments in preventing and combating violations of the rights of the child, in particular the exploitation of child labour;

VII

The plight of children working and/or living on the street

20. Calls upon:

(a) All States, while expressing grave concern at the large number of children working and/or living on the street and at the continued growth in incidents and reports worldwide of such children being involved in and affected by serious crime, drug trafficking and abuse, violence and sexual exploitation, including through prostitution, to continue actively to seek comprehensive solutions to the problems of children working and/or living on the street, while emphasizing that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of children working and/or living on the street;

(b) All States to ensure the reintegration of children working and/or living on the street into society and to provide, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect, encourages States to take the situation of children working and/or living on the street fully into account in preparing their reports to the Committee on the Rights of the Child, and requests the Committee and other relevant treaty monitoring bodies, within their existing mandates, to give due attention to the question of children working and/or living on the street;

(c) All States to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of children working and/or living on the street and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment or abuse;

(d) The international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including in urban settlements in accordance with the Habitat Agenda adopted by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul, Turkey, in June 1996 (A/CONF.165/14, chap. I);

VIII

Children with disabilities

21. Welcomes the attention given by the Committee on the Rights of the Child, when considering the reports of States parties to the Convention on the Rights of the Child, to the subject of the rights of children with physical or mental disabilities to enjoy their lives with dignity and to their individual development and social integration, as well as the general debate on this issue, starting at the sixteenth session of the Committee in 1997, focused on the rights to life and development, self-representation and full participation and the right to an inclusive education, with the aim of preparing

recommendations for the effective implementation of the Convention, and invites the Committee to continue its task in cooperation with the representatives of the relevant United Nations bodies and organizations, non-governmental organizations and the Special Rapporteur on disability of the Commission for Social Development;

22. Calls upon all States parties to adopt, in accordance with article 23 of the Convention on the Rights of the Child, all necessary measures to ensure the full enjoyment in equal conditions of all human rights and fundamental freedoms by children with disabilities, especially ensuring the effective access of such children to education and health services, to develop and implement legislation prohibiting discrimination against these children, and to include these measures in their reports to the Committee on the Rights of the Child;

IX

23. Decides:

(a) To request the Secretary-General to submit to the Commission at its fifty-fifth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(b) To continue its consideration of this question at its fifty-fifth session under the agenda item entitled "Rights of the child".

58th meeting
22 April 1998
[Adopted without a vote. See chap. XX.]

1998/77. Conscientious objection to military service

The Commission on Human Rights,

Bearing in mind that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling its previous resolutions on the subject, most recently resolution 1995/83 of 8 March 1995, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as well as article 18 of the International Covenant on Civil and Political Rights and General Comment No. 22 of the Human Rights Committee, adopted at its forty-eighth session in 1993,

Having considered the report of the Secretary-General (E/CN.4/1997/99), *Recognizing* that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives,

Aware that persons performing military service may develop conscientious objections,

Recalling article 14 of the Universal Declaration of Human Rights, which recognizes the right of everyone to seek and enjoy in other countries asylum from persecution,

1. *Draws attention* to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights;

2. *Welcomes* the fact that some States accept claims of conscientious objection as valid without inquiry;

3. *Calls upon* States that do not have such a system to establish independent and impartial decision-making bodies with the task of determining whether a conscientious objection is genuinely held in a specific case, taking account of the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs;

4. *Reminds* States with a system of compulsory military service, where such provision has not already been made, of its recommendation that they provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature;

5. *Emphasizes* that States should take the necessary measures to refrain from subjecting conscientious objectors to imprisonment and to repeated punishment for failure to perform military service, and recalls that no one shall be liable or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country;

6. *Reiterates* that States, in their law and practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights;

7. *Encourages* States, subject to the circumstances of the individual case meeting the other requirements of the definition of a refugee as set out in the 1951 Convention relating to the Status of Refugees, to consider granting asylum to those conscientious objectors compelled to leave their country of origin because they fear persecution owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service;

8. Affirms the importance of the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all persons affected by military service;

9. Requests the Secretary-General to transmit the text of the present resolutions to Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations and to include the right to conscientious objection to military service in the public information activities of the United Nations, including the United Nations Decade for Human Rights Education;

10. Also requests the Secretary-General to collect information from Governments, the specialized agencies and intergovernmental and non-governmental organizations on recent developments in this field and to submit a report, within existing resources, to the Commission at its fifty-sixth session;

11. Decides to consider this matter further at its fifty-sixth session under the agenda item entitled "The question of conscientious objection to military service".

58th meeting
22 April 1998
[Adopted without a vote. See chap. XXII.]

1998/78. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), as well as subsequent resolutions of the Assembly and of the Commission on this matter, in particular General Assembly resolution 52/148 of 12 December 1997,

Considering that the promotion of universal respect for and observance of all human rights and fundamental freedoms for all is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Recalling Part II, paragraph 100, of the Vienna Declaration and Programme of Action concerning the five-year review of progress made in the implementation of the Declaration and Programme of Action, to be carried out in 1998, in which the World Conference on Human Rights, inter alia, requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action,

Recalling also that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action, and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Bearing in mind that the five-year implementation review of the Vienna Declaration and Programme of Action provides an opportunity to strengthen the promotion and protection of human rights worldwide, review and assess progress made in human rights protection since the adoption of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and consider ways and means of further developing the United Nations human rights programme to meet current and future challenges,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approach throughout the United Nations system,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields, as most recently addressed in Economic and Social Council resolution 1997/61 of 25 July 1997 on the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with agreed conclusions 1995/1 of the Economic and Social Council,

Recalling also Economic and Social Council decision 1998/208 of 6 February 1998, in which the Council decided to devote the coordination segment of its substantive session of 1998 to the question of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, *Noting* General Assembly resolution 52/148, in which the Assembly, *inter alia*, decided to review at its fifty-third session, as foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action, the progress made in the implementation of the Declaration and Programme of Action,

1. *Takes note with appreciation* of the interim report of the United Nations High Commissioner for Human Rights on the five-year review of the implementation of the Vienna Declaration and Programme of Action (E/CN.4/1998/104 and Corr.1 and 2);

2. *Welcomes* the contributions made so far by Governments, United Nations bodies and organizations and other organizations, and calls upon the High Commissioner for Human Rights to make these and subsequent contributions available to the General Assembly at its fifty-third session;

3. *Reaffirms* the importance of the promotion of universal respect for and observance and protection of all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

4. *Calls upon* all States to take further action with a view to the full realization of all human rights for all in the light of the recommendations of the World Conference on Human Rights;

5. *Recognizes* that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

6. *Requests* the United Nations High Commissioner for Human Rights, the General Assembly, and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

7. *Welcomes* the decision of the General Assembly, in its resolution 52/148, to review at its fifty-third session, as foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action, the progress made in the implementation of the Declaration and Programme of Action;

8. *Recalls* that, in accordance with Part II, paragraph 100, of the Vienna Declaration and Programme of Action, the High Commissioner for Human Rights has invited Governments and United Nations agencies and programmes related to human rights to provide reports on the progress made in the implementation of the recommendations adopted by the World Conference, and has invited regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, to present their views in this regard;

9. *Welcomes with appreciation* the preparations and contributions made so far for the five-year implementation review of the Vienna Declaration and Programme of Action and calls upon all States to contribute actively to this process;

10. Encourages once again regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

11. Welcomes Economic and Social Council decision 1998/208, in which the Council decided to devote the coordination segment of its substantive session of 1998 to the question of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, as part of the five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action, and calls upon all United Nations Agencies and programmes to participate actively in this process;

12. Underlines the need to give particular attention to the human rights of women and the girl child in the five-year implementation review of the Vienna Declaration and Programme of Action, taking into account that gender mainstreaming is a key strategy for achieving equality between women and men and the full enjoyment of all human rights by women;

13. Emphasizes the important role of the High Commissioner for Human Rights in the system of United Nations human rights organs, as defined in General Assembly resolution 48/141 of 20 December 1993, including her role in the process of analysis of the functioning of the United Nations human rights machinery and its adaptation to current and future needs;

14. Requests the High Commissioner for Human Rights to continue to coordinate human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

15. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner for Human Rights, in particular in the context of the 1998 five-year review;

16. Urges all States and the United Nations system to give widespread publicity to the Vienna Declaration and Programme of Action, in particular in the context of the public information and human rights education activities for the fiftieth anniversary of the Universal Declaration of Human Rights, including through training programmes, human rights education and public information, in order to promote increased awareness of all human rights and fundamental freedoms;

17. Decides to continue its consideration of this question at its fifty-fifth session.

58th meeting
22 April 1998
[Adopted without a vote. See chap. XXI.]

1998/79. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

The Commission on Human Rights,

Recalling all relevant resolutions on this subject, in particular its own resolution 1997/57 of 15 April 1997,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto (together, the "Peace Agreement") which, inter alia, committed the parties in Bosnia and Herzegovina fully to respect human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

Taking note of the reports of the former Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (together, the "countries of the mandate"),

Expressing its appreciation for the ongoing important work of the Office of the United Nations High Commissioner for Human Rights and its field operation in the region,

I

Introduction

1. Stresses the crucial role that human rights questions have to play in the success of the Peace Agreement and underlines the obligations of the parties under the Framework Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Stresses also the need to focus international human rights efforts in the region on the core problems of:

(a) Lack of full respect for the human rights of all individuals, without any distinction;

(b) Return of refugees and displaced persons in safety and in dignity;

(c) Capacity-building in the areas of rule of law and administration of justice;

(d) Lack of respect for the freedom and independence of the media;

(e) Inadequate cooperation with the International Criminal Tribunal for the Former Yugoslavia (the Tribunal);

(f) Missing persons;

3. Appeals to the international community to support such efforts and insists that the parties act to promote and protect democratic institutions of government, the rule of law and effective administration of justice at all levels in their respective countries, further to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, to ensure freedom of movement and to foster a culture of respect for human rights;

II

Bosnia and Herzegovina

4. Welcomes progress in some areas towards implementation of the Peace Agreement and towards improvement in respect for human rights, as demonstrated by the important work of the Office of the Federation Ombudsmen, some positive developments in the Republika Srpska since the formation of the new government, the voluntary surrender of persons indicted by the Tribunal, improvement in freedom of movement in some areas, police restructuring in the Federation and parts of the Republika Srpska, increased cooperation with the United Nations International Police Task Force and generally full and free access to the territory of Bosnia and Herzegovina for international institutions and organizations, including non-governmental organizations;

5. Also welcomes the work of the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Ombudsman and the Human Rights Chamber, and their decisions, and underlines the importance of their intensifying their activities concerning alleged or apparent violations of human rights and alleged or apparent discrimination of any kind;

6. Further welcomes the conclusions of the Peace Implementation Council meetings held in Paris on 14 November 1996, in Sintra, Portugal, on 30 May 1997 and in Bonn on 9 and 10 December 1997;

7. Takes note of the successful holding of countrywide municipal elections on 13 and 14 September 1997 in Bosnia and Herzegovina and of elections for the Republika Srpska Assembly on 22 and 23 November 1997 under the auspices of the Organization for Security and Cooperation in Europe, and calls for full and unconditional implementation of the municipal election results;

8. Emphasizes that the primary responsibility for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of Bosnia and Herzegovina, in particular through the central Government and the governments of the entities, as well as through, inter alia, religious communities, humanitarian organizations and non-governmental organizations;

9. Reiterates calls in its previous resolutions upon all authorities in Bosnia and Herzegovina concerning:

(a) Bringing legislation into full compliance with the human rights provisions of the Constitution of Bosnia and Herzegovina and implementing this legislation;

(b) Prevention of and accountability for human rights violations;

(c) Full implementation by the authorities of the Republika Srpska and the Federation of existing laws providing amnesty for crimes related to the conflict, other than serious violations of international humanitarian law, and, in the case of the Republika Srpska, the immediate amendment of its law to provide amnesty for persons who avoided conscription or deserted;

(d) Full cooperation with the Commission on Human Rights for Bosnia and Herzegovina and full implementation of its recommendations and decisions, and especially to fulfil their obligations to provide financial support for the Commission's activities;

(e) Putting an end to beatings, unlawful evictions and other forms of harassment, and the prosecution to the full extent of the law before an independent and impartial tribunal of those identified in the report of the International Police Task Force concerning the incidents in Mostar on 10 February 1997;

(f) The establishment without delay in the Republika Srpska of institutions for the protection of human rights, in particular a human rights ombudsman;

10. Calls upon authorities in Bosnia and Herzegovina:

(a) To complete the reform and restructuring of local police forces under the purview of the International Police Task Force as soon as possible and to ensure that local police forces are trained in and fully respect and protect all human rights;

(b) To reverse the effects of "ethnic cleansing", to allow freedom of movement and the return, especially "minority return", of refugees and displaced persons to their places of origin, to implement fully the concept of "open cities" to provide security guarantees for returnees, to cease immediately actions that undermine the right to return, to take immediate steps to repeal legislation which infringes on the right to return and to put an end to practices of discrimination based on ethnic and political grounds, and calls for the Federation to implement fully the results of the international conference on the return of displaced persons and refugees to Sarajevo, held in Sarajevo on 3 February 1998;

(c) To bring without delay property and housing legislation at all levels fully into line with the proposals of the High Representative and to implement it fully and speedily once adopted;

(d) To repeal laws relating to "abandoned" property, to end illegal evictions of persons from their homes, to reinstate in their homes persons who have been evicted in violation of their rights, to cooperate with and support the work of the Commission for Real Property Claims to resolve outstanding property claims and to implement fully the decisions of that Commission;

(e) To cooperate fully with the Office of the High Representative and institutions established by the Peace Agreement with a view to strengthening free and independent media, diversifying the media environment, while reminding broadcast media of their special responsibility to observe and promote international standards of journalism, and developing an appropriate legislative framework for the protection of the editorial independence of the media, in particular those under the control of the authorities;

(f) To ensure the necessary conditions for free and fair elections to be held in 1998 under the supervision of the Organization for Security and Cooperation in Europe, and to comply with arbitration decisions regarding recent municipal elections;

(g) To cooperate closely with the International Supervisor for Brcko, and to work towards meeting the conditions of tolerance and pluralism as stressed by the Presiding Arbitrator in his decision of 15 March 1998;

(h) To work towards reform of criminal law in both entities;

11. Reiterates its calls in its resolution 1997/57 upon the international community concerning support for all aspects of the work of the International Police Task Force, the return in safety of persons who have left the territory of Bosnia and Herzegovina and full support, including through voluntary contributions, for the Constitutional Court;

III

Republic of Croatia

12. Welcomes the successful completion of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, the accession by the Republic of Croatia to the Council of Europe, the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms and other relevant human rights instruments by the Government of the Republic of Croatia, and its cooperation with the Special Rapporteur;

13. Also welcomes technical cooperation and assistance programmes planned by the Office of the United Nations High Commissioner for Human Rights in consultation with the Government of Croatia, and calls upon the High Commissioner to initiate, at the earliest possible opportunity, projects emphasizing human rights training for professionals involved in law enforcement and the rule of law, as well as human rights education;

14. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles and to continue its efforts to attain the highest level of compliance with international norms and standards of human rights and fundamental freedoms, and:

(a) To accelerate the implementation of its Programme on the Establishment of Confidence, Acceleration of Return and Normalization of Life in the War-affected Areas, thereby facilitating the expeditious return, in safety and in dignity, of all refugees and displaced persons to their homes in all regions, in particular to the Krajina, to cooperate with the Office of the United Nations High Commissioner for Refugees to that end, and to use all available means to secure their safety and to allow continued access to this population by humanitarian organizations;

(b) To respect the human rights, including the property rights, of all, including in particular returning displaced persons and refugees, including ethnic Serbs now present in the Republika Srpska or the Federal Republic of Yugoslavia, their right to remain, leave or return in safety and in dignity, and to enable the restoration of the multi-ethnic character of Eastern Slavonia, Baranja, Western Sirmium and other parts of the Republic of Croatia;

(c) To put an end to harassment of displaced Serbs and looting and physical attacks against Croatian Serbs, to encourage them to stay within the Republic of Croatia and, in particular, to put an end to the involvement by Croatian military and police officials in such incidents, and to investigate and arrest speedily those responsible for committing or instigating acts of violence and intimidation aimed at driving people away;

(d) To guarantee freedom of association and of the press, including taking concrete steps to establish editorially independent State electronic media and full access by the opposition to State channels and, in particular, to cease harassment of free and independent media;

(e) To extend full cooperation to the international organizations operating in the Republic of Croatia, in particular the Organization for Security and Cooperation in Europe and the United Nations Civilian Police Support Group remaining in Eastern Slavonia, Baranja and Western Sirmium, and to heed the advice of the Organization for Security and Cooperation in Europe in matters pertaining to its mandate;

(f) To respect the right of non-governmental organizations to operate without restrictions;

(g) To pursue, within the context of obligations undertaken to the Council of Europe, the equal application of the law to all citizens, irrespective of ethnicity, religion or political affiliation, to ensure the swift and complete implementation of judicial decisions, and to implement the European Convention for the Protection of Human Rights and Fundamental Freedoms in all governmental practices;

(h) To continue fulfilling the rights and guarantees pledged in its letter of 13 January 1997 to the President of the Security Council concerning the peaceful reitegration of the region under the Transitional Administration, Republic of Croatia (S/1997/27), inter alia the pledge to guarantee representation of Serbs at various levels of local, regional and national government, and to this end to fulfil its obligations to issue citizenship, identity and relevant technical documents to all persons so entitled under Croatian law;

(i) To implement the Amnesty Law enacted on 25 September 1996 fully and fairly;

(j) To continue to cooperate with the Special Rapporteur and to comply with all his recommendations and to cooperate with the Croatian ombudsman;

15. Calls upon the international community:

(a) To support the United Nations Civilian Police remaining in the field in 1998 and also to support the involvement of the High Commissioner for Human Rights in human rights monitoring in the region of Eastern Slavonia, in close cooperation with other international organizations and in close consultation with the Government of Croatia;

(b) To provide for a continued international presence, as recommended by the Special Rapporteur, through support of initiatives advanced by the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission and other international organizations, including the programme of technical cooperation envisioned by the Office of the High Commissioner for Human Rights;

IV

Federal Republic of Yugoslavia

16. Welcomes the cooperation by the Federal Republic of Yugoslavia with the former Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, Ms. Elisabeth Rehn;

17. Also welcomes the recent visit to the Federal Republic of Yugoslavia by the new Special Rapporteur, Mr. Jiri Dienstbier;

18. Further welcomes the deployment of additional human rights officers in Kosovo;

19. Endorses the recommendations of the Special Rapporteur as contained in his report on his visit to the Federal Republic of Yugoslavia, including Kosovo (E/CN.4/1998/164), in particular:

(a) That the Federal Republic of Yugoslavia should permit forensic investigation by independent experts concerning the 28 February 1998 operations in Likosani and Cirez and the 5 March 1998 operations in Prekaz, and should also conduct its own investigation of these events;

(b) That the Kosovo Albanian leadership should commit itself to ensure that the Kosovo Albanian community shall pursue their goals only by peaceful means;

(c) That all parties should allow free access for international and humanitarian organizations and the establishment of a temporarily expanded office of the United Nations High Commissioner for Human Rights operating out of the permanent premises to be established in Kosovo;

20. Regrets that the Federal Republic Yugoslavia has complied only partially with the recommendations of the Chairman in Office of the Organization for Security and Cooperation in Europe regarding fostering democracy and the rule of law;

21. Also regrets the express refusal of the Federal Republic of Yugoslavia to allow a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions;

22. Calls upon authorities in the Federal Republic of Yugoslavia:

(a) To comply with the recommendations contained in the reports of the Special Rapporteur;

(b) To comply also with its obligation to cooperate with the Tribunal;

(c) To undertake substantially greater efforts to strengthen and implement fully democratic norms, especially in regard to respect for the principle of free and fair elections, the rule of law, and full respect for human rights and fundamental freedoms, and to improve its performance in the area of the administration of justice;

(d) To protect and expand opportunities for free and independent media, institute non-partisan management of the State-owned media and cease efforts to restrict press and broadcast journalism;

(e) To put an end to torture and ill-treatment of persons in detention as described in the reports of the Special Rapporteur, and to bring those responsible to justice;

(f) To repeal the 1989 Law on Special Conditions for Real Property Transactions and to apply all other legislation without discrimination;

(g) To respect the rights of persons belonging to minority groups, especially in Sandjak and Vojvodina, and of persons belonging to the Bulgarian and Croatian minorities;

23. Condemns violent repression of non-violent expression of political views in Kosovo, in particular the brutal police actions and the excessive use of force against the civilian population, including demonstrators and journalists among the Albanian population, condemns as well the killing of innocent civilians, equally condemns terrorism in all its forms and from any quarter, and underscores the grave concern of member States regarding the increasingly serious situation there;

24. Urges all parties in the Federal Republic of Yugoslavia to act with the utmost restraint and with full respect for human rights, and to refrain from acts of violence;

25. Insists that the Government of the Federal Republic of Yugoslavia:

(a) Take immediate action, in view of the deteriorating situation in Kosovo and the danger of escalating violence there, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population, as well as other communities living in Kosovo, including acts of harassment, beatings, brutality, torture, warrantless searches, arbitrary detention, unfair trials and arbitrary, unjustified evictions and dismissals;

(b) Ensure the complete withdrawal of its special police from Kosovo;

(c) Release all political detainees, allow the return in safety and in dignity of ethnic Albanian refugees to Kosovo and respect fully all human rights and fundamental freedoms, including freedom of the press, freedom of movement and freedom from discrimination in the field of education and information, and, in particular, improve the situation of ethnic Albanian women and children;

(d) Allow the establishment of democratic institutions in Kosovo;

(e) Agree to the establishment of an office of the High Commissioner for Human Rights in Pristina;

(f) Broaden cooperation with other regional and international actors, including by allowing the return of the long-term missions of the Organization for Security and Cooperation in Europe, visits by the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe and the establishment of a European Union presence in Kosovo;

(g) Implement the September 1996 "Sant'Egidio" memorandum of understanding on education in Kosovo immediately and without conditions, including at the university level, as an important first step towards reducing regional tensions, while welcoming efforts made in that regard;

26. Emphasizes the importance of a substantive, unconditional dialogue between authorities in Belgrade and the Kosovo Albanian leadership aimed at achieving a lasting solution to the problems of Kosovo consistent with the territorial integrity of the Federal Republic of Yugoslavia, and notes the proposals made by the Government of the Federal Republic of Yugoslavia in that direction;

27. Also emphasizes that improvements in the promotion and protection of human rights and political freedoms in Kosovo and the rest of its territory as well as cooperation with the Tribunal, will assist the Federal Republic of Yugoslavia to improve relations with the international community;

28. Welcomes positive developments in Montenegro, including in the areas of freedom of the media and the treatment of ethnic minorities, and also welcomes the formation of a multi-ethnic coalition government;

29. Calls upon the international community:

(a) To establish appropriate safeguards to ensure the security and fair treatment upon return of those who sought temporary protection and asylum, including appropriate measures by Governments, such as legal guarantees and follow-up mechanisms, to allow those persons to return to their homes in the Federal Republic of Yugoslavia in safety and in dignity;

(b) To continue to support existing national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia;

V

International Criminal Tribunal for the Former Yugoslavia

30. Calls upon all States and, in particular, all parties to the Peace Agreement, especially the Government of the Federal Republic of Yugoslavia, to meet their obligations to cooperate fully with the Tribunal, noting that there is no valid constitutional or statutory reason for failure to cooperate, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it and, as a matter of urgency, by continuing to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate, including through the provision of legal and technical expertise;

31. Welcomes the decision by the Prime Minister of the Republika Srpska to allow the Tribunal to open an office in Banja Luka and urges the government of the Republika Srpska to follow through on promises to improve cooperation with the Tribunal;

32. Also welcomes in this context the decision by four persons indicted by the Tribunal who are residents of the Republika Srpska to surrender voluntarily to the custody of the Tribunal as required by the Peace Agreement, and calls upon all indicted persons to do likewise;

33. Calls upon authorities in the Federal Republic of Yugoslavia to comply with their obligation to cooperate with the Tribunal, including with regard to events in Kosovo, on the basis of Security Council resolution 1160 (1998) of 31 March 1998, and strongly recommends that the Office of the Prosecutor of the Tribunal begin gathering information relating to the violence in Kosovo that may fall within its jurisdiction;

34. Notes that the authorities of Bosnia and Herzegovina have in general respected the "rules of the road" agreed in Rome on 18 February 1996 by arresting or detaining only those war crimes suspects sought by the Tribunal, by submitting all cases involving suspected war crimes to the Tribunal for review prior to prosecution by national courts, and by facilitating access to detainees by the Tribunal and other monitors and representatives of non-governmental organizations, and urges all parties to the Peace Agreement to do the same, including through submission of cases to the Prosecutor of the Tribunal under the "rules of the road";

35. Urgently calls once again upon competent authorities in Bosnia and Herzegovina, including those of the Federation and in particular in the Republika Srpska, and the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia to apprehend and surrender for prosecution, as required by Security Council resolution 827 (1993) of 25 May 1993 and the statement by the President of the Security Council of 8 May 1996, all persons indicted by the Tribunal, and notes that the large majority of those indicted, including Radovan Karadzic and Ratko Mladic, appear to be living in the Republika Srpska or the Federal Republic of Yugoslavia;

36. Calls upon the international community to give the Tribunal every appropriate help to bring into custody suspects indicted by it;

VI

Missing persons

37. Calls upon all parties to treat the subject of missing persons as an urgent humanitarian problem, to make full disclosure of available information to the Working Group on Missing Persons Chaired by the International Committee of the Red Cross, and to abandon the principle of reciprocity in dealing with this question;

38. Endorses in this regard the recent efforts of the International Commission on Missing Persons in the Former Yugoslavia and requests that the International Commission continue and intensify its efforts to provide essential supplies for the Bosnian exhumation process, to provide resources and organizational support for families and family associations of the missing in the region, to support the forensic efforts of non-governmental organizations and to bring the concerns of families to the attention of the political leadership of all three countries;

39. Commends the International Commission for securing the release in August 1997 of 16 prisoners of war held by the Republic of Croatia and for obtaining from the Federal Republic of Yugoslavia all 1,200 Vukovar death protocols for the Republic of Croatia;

40. Also commends Serb, Croat and Bosniac leaders for restarting the joint exhumation process chaired by the Office of the High Representative;

41. Specifically calls upon the parties:

(a) To release immediately any individuals held as a result of, or in relation to, any conflict between or among the parties (so-called "hidden detainees"), to provide information on specific lists of detainees unaccounted for presented to the relevant authorities by the International Committee of the Red Cross, and to allow unannounced visits to actual or alleged places of detention in order to investigate allegations transmitted to international actors by families of the missing;

(b) To resume and expand the joint exhumation process in Bosnia and Herzegovina under the auspices of the Office of the High Representative as soon as possible, and to refrain from compromising mass grave sites or destroying forensic evidence;

(c) To comply with their obligations to investigate enforced disappearances and support the relevant international actors dealing with this issue, including the Working Group of the International Committee of the Red Cross, and exhorts State commissions on missing persons, as well as Bosniac, Croat and Serb commissions in Bosnia and Herzegovina, to intensify joint work and to cooperate with exhumations;

42. Calls upon the Government of the Republic of Croatia to turn over all relevant material on missing persons, and specifically to transfer relevant documentation on its actions relating to its 1995 "Flash" and "Storm" operations to the International Committee of the Red Cross and the International Commission on Missing Persons;

43. Calls upon the Bosnian Serb authorities to support the reconciliation process by reaching out to family associations from all ethnic groups and to allow burial of remains in the Srebrenica area;

44. Stresses the necessity of close coordination on the issue between relevant international organizations and welcomes the commitments made by the Office of the High Representative to give priority to the question of missing persons, in particular by taking active steps to ensure that excavations and exhumations are carried out to the fullest extent possible;

45. Calls upon the international community:

(a) To provide the appropriate financial, personnel and logistical resources to the International Commission on Missing Persons and the Office of the High Representative to support the exhumation and identification process and provide support to family associations in all three countries, and to enable those bodies to resolve the question of missing persons and accomplish their tasks without delay;

(b) To ensure that excavations and exhumations of mortal remains are undertaken in conformity with internationally accepted practice;

VII

Special Rapporteur

46. Expresses its appreciation to the former Special Rapporteur, Ms. Elisabeth Rehn, for the positive impact her work has had on the enjoyment of human rights in the countries of her mandate;

47. Takes note with appreciation of the reports of the Special Rapporteurs (E/CN.4/1998/9, E/CN.4/1998/12, E/CN.4/1998/13, E/CN.4/1998/14, E/CN.4/1998/15, E/CN.4/1998/63 and E/CN.4/1998/164);

48. Decides to renew the mandate of the Special Rapporteur for one year and welcomes the appointment of a new Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia;

49. Requests the new Special Rapporteur, in addition to the activities mandated in Commission resolutions 1994/72 of 9 March 1994, 1996/71 of 23 April 1996 and 1997/57 of 15 April 1997:

(a) To work with the High Commissioner for Human Rights on behalf of the United Nations in dealing with the question of missing persons, including by participation in the International Commission on Missing Persons advisory group and other groups involved in missing persons issues, such as those chaired by the Office of the High Representative and the International Committee of the Red Cross, and to include in his report to the Commission on Human Rights information about activities concerning missing persons in the former Yugoslavia;

(b) To pay particular attention to the situation of persons belonging to ethnic minorities, displaced persons, refugees and returnees who fall within his mandate;

(c) To address human rights issues that transcend the borders between the States covered by his mandate and which can be addressed only through concerted action in more than one country;

50. Requests that the Special Rapporteur carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia, including to Kosovo, as well as to Sandjak and Vojvodina;

51. Requests the Special Rapporteur to report to the Commission, at its fifty-fifth session, on the work carried out in fulfilment of his mandate and to present interim reports to the General Assembly at its fifty-third session;

52. Requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

53. Urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate successfully and, in particular, to provide him with adequate staff based in the countries of the mandate to ensure effective continuous monitoring of the human rights situation in those countries and coordination with other international organizations involved.

59th meeting
22 April 1998
[Adopted by a roll-call vote of 41 votes to none,
with 12 abstentions. See chap. X.]

1998/80. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights, Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 52/142 of 12 December 1997 and Commission resolution 1997/54 of 15 April 1997,

1. Welcomes:

(a) The report of the Special Representative of the Commission (E/CN.4/1998/59 and Corr.1);

(b) The stated commitment of the Government of the Islamic Republic of Iran to encourage respect for the rule of law and its emphasis on the development of a society in which human rights are fully respected and in which a civil society flourishes;

(c) Improvements in the area of freedom of expression, particularly in the media and cultural fields, and in the authorities' willingness to allow more public demonstrations;

2. Notes with interest:

(a) The holding of presidential elections in the Islamic Republic of Iran in 1997, and in this context calls upon the Government to meet expectations for tangible progress concerning human rights and fundamental freedoms of individuals;

(b) The establishment of the Commission for Ensuring and Supervising the Implementation of the Constitution with a remit to address any shortcomings in the implementation or any violation of the Constitution;

(c) Positive statements by the Government of the Islamic Republic of Iran about the need to review laws and attitudes which discriminate against women, and the appointment of the first woman Vice-President and of four female judges;

(d) The observation of the Special Representative about the increased willingness of the Iranian authorities to criticize and clamp down on extrajudicial groups which attempt to curtail freedom of expression;

(e) The initiative of the Islamic Human Rights Commission in investigating incidents of concern, and the view of the Special Representative that these moves represent an important step in the strengthening of human rights in the Islamic Republic of Iran;

(f) The registration of certain non-governmental organizations, as well as a journalists' association;

3. Expresses its concern:

(a) That, in spite of this progress, human rights continue to be violated in the Islamic Republic of Iran, in particular by the large number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including amputation, stoning and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the lack of transparency in the judicial system, which makes it difficult for Iranian and foreign observers to establish accurately the situation of individuals, such as Mr. Morteza Firouzi, accused of crimes;

(c) At continuing grave violations of the human rights of the Baha'is, as well as at the discrimination against members of other religious minorities, including Christians, despite constitutional guarantees, at the increased pressure on religious communities and persons suspected of proselytizing, and at the death sentences pronounced against Mr. Dhabihullah Mahrami and Mr. Musa Talibi on the charge of apostasy, and against Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi because of their beliefs;

(d) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights, particularly the failure of the Government to invite the Special Representative to visit the Islamic Republic of Iran in the period under review, and at the low rate of response by the Government to communications from the Special Representative;

(e) At the continuing threats to the life of Mr. Salman Rushdie, and individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, and deeply regrets the failure of the Government to condemn the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(f) At the apparent reluctance of the Iranian authorities to prosecute and punish those who commit violence against critics of the Government;

(g) At the continued harassment and intimidation of some journalists and writers, and of political and religious dissidents seeking to exercise their freedom of expression;

(h) At the continued lack of full and equal enjoyment by women of their human rights;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To continue its positive efforts and to build on its commitment to consolidate respect for the rule of law and allow greater freedom of expression;

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To take all necessary steps to end the use of torture and the practice of amputation, stoning and other forms of cruel, inhuman and degrading punishment;

(d) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative, to allow him to continue his inquiry first-hand and to continue his dialogue with the Government;

(e) To implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is, Christians and other minority religious groups, until they are completely emancipated;

(f) To increase efforts to bring into line with announced government policy on freedom of expression the activities of various elements in the judiciary and the security services, as well as extrajudicial groups, which are resisting positive changes and consequently the strengthening of human rights;

(g) To build on the progress made in the past year by taking further measures to eliminate discrimination and human rights violations against women, including all discrimination in law and in practice against them, for example by amending article 1117 of the Civil Code, which subjects the taking up of a profession by women to the prior consent of their husbands, and which has been criticized by the International Labour Organization;

(h) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences reported by them;

(i) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Salman Rushdie;

(j) To ensure that capital punishment will not be imposed for non-violent crimes, for apostasy, or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

(k) To provide the Special Representative with precise information on the protection of human rights within the drug interdiction policy of the Islamic Republic of Iran;

(l) To embark on a process to bring the Islamic Human Rights Commission into line with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993, which establish benchmarks for the competence of national institutions as well as their composition, the appointment of members, the guarantee of independence and pluralism, and on methods of operation;

5. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is and the Christians, at its fifty-fifth session under the same agenda item;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 33.]

59th meeting
22 April 1998
[Adopted by a roll-call vote of 23 votes to 14,
with 16 abstentions. See chap. X.]

1998/81. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 (A/CONF.157/23) for enhancing genuine cooperation among States in the field of human rights,

Recalling General Assembly resolution 52/134 of 12 December 1997,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of consideration of human rights issues, and underlining the importance of mutual understanding, dialogue and genuine cooperation on human rights issues, Taking note of resolution 1997/38 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Promotion of dialogue on human rights issues",

1. Calls upon States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

2. Invites States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of human rights;

3. Decides to continue its consideration of this question at its fifty-fifth session.

60th meeting
24 April 1998
[Adopted without a vote. See chap. IX.]

1998/82. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Considering Security Council resolution 1072 (1996) of 30 August 1996,

Recalling its resolution 1997/77 of 18 April 1997,

Noting with concern that violations of human rights and fundamental freedoms have taken place in several parts of Burundi,

Recalling that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundian crisis, _Acclaiming_ the decision of the Government of Burundi to launch a comprehensive peace process whose main objective is the initiation of nationwide political negotiations open to all parties,

Welcoming the decision of the Government of Burundi to commit itself to the Arusha process whose main objective is the resumption of negotiations open to all the parties concerned,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is indispensable in promoting the stabilization and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Taking into account the regional summits, including those held in Arusha, Nairobi and Brazzaville, on the situation in the Great Lakes region, and in Burundi in particular,

Considering the decisions, conclusions and recommendations adopted in Tripoli by the Council of Ministers of the Organization of African Unity,

1. _Takes note_ of the third report of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/1998/72) and of his report to the General Assembly (A/52/505, annex);

2. _Also takes note_ of the efforts exerted by the Government of Burundi to improve security and public order in the country, but expresses its concern at actions which sometimes lead to human rights violations;

3. _Encourages_ the countries which imposed sanctions on Burundi to continue to evaluate the effects of the sanctions on the situation in Burundi;

4. _Takes note_ of the process of closing down of the regroupment camps and exhorts the Government of Burundi to close down all the remaining regroupment camps in order to allow the return of displaced persons to their villages, as and when the situation permits;

5. _Encourages_ the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a constitutional order so as to bring back democracy and peace in the interest of the Burundian population;

6. _Also encourages_ the dialogue initiated between the Government of Burundi and the National Assembly to decide on a mutually agreed transitional period, and also dialogue between Burundians, including the armed factions, with a view to putting in place new, democratically elected institutions;

7. _Urges_ all parties to the conflict to end the cycle of violence and killing, notably the indiscriminate violence against the civilian population;

8. Expresses its concern at the forcible recruitment and kidnapping of children by non-governmental armed groups, and invites the Government of Burundi to take measures to combat that trend, having in mind the non-militarization of Burundian society, particularly the children;

9. Exhorts the parties to facilitate humanitarian assistance operations in aid of war victims and to comply scrupulously with international humanitarian law;

10. Notes that the Government of Burundi has not yet published the findings of the inquiries conducted into the murder of three staff members of the International Committee of the Red Cross which took place on 4 June 1996, and again exhorts the Government to publish the findings of those inquiries;

11. Takes note of the efforts of the Government of Burundi aimed at ensuring that established legal safeguards for human rights and international human rights standards are fully respected, and calls upon the Government to continue its efforts to that end;

12. Notes with concern the conditions of detention, in particular of persons liable to the death penalty, and encourages the Government to take more measures to rectify the situation;

13. Invites the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for inquiries in case of such violations;

14. Expresses its deep concern at the serious violations of human rights and of international humanitarian law, in particular with regard to information reporting massacres, enforced or involuntary disappearances, and arbitrary arrests and detention, while taking note of the encouraging signs in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi;

15. Expresses its concern at the utilization by the authorities of civilians for military tasks such as participation in night patrols, mine-clearance campaigns and transport of military equipment, thereby putting the civilian population in danger;

16. Welcomes the efforts of the Government of Burundi to ensure the safety of staff of the United Nations and humanitarian organizations and that of individuals in Burundi serving in the same cause;

17. Commends the human rights observer mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

18. Supports the efforts of the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

19. Calls upon all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

20. Encourages the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

21. Expresses its concern at the large number of incidents as a result of which persons are injured or killed by the explosion of anti-personnel landmines and calls upon the Government of Burundi to take urgent measures, if necessary with the assistance of the international community, to prepare a programme of mine clearance and a public-awareness campaign concerning mines;

22. Calls upon the international community to continue to provide humanitarian assistance needed by displaced persons and returnees in Burundi, so that the peace process initiated in the country may become a tangible sign of reconciliation;

23. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

24. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

25. Supports the implementation by the United Nations High Commissioner for Human Rights of a programme of assistance designed for members of the armed forces and the police in the field of human rights and legal assistance;

26. Decides to extend the mandate of the Special Rapporteur for one year, requests him to submit an interim report on the situation of human rights in Burundi to the General Assembly at its fifty-third session and a report to the Commission at its fifty-fifth session, and also requests him to give his work a gender-specific dimension;

27. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 34.]

60th meeting
24 April 1998
[Adopted without a vote. See chap. X.]

1998/83. Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

The Commission on Human Rights,

Recalling the relevant conclusions and recommendations of the World Conference on Human Rights (A/CONF.157/23),

Having considered the information brought to its attention by the United Nations High Commissioner for Human Rights on developments and measures taken since the World Conference relating to mandates and responsibilities of the High Commissioner and to the level of resources available to permit fulfilment thereof,

Considering the measures taken by the Commission at its current session concerning the establishment or expansion of mandates of the Office of the High Commissioner for Human Rights, *inter alia* in recognition of the need for increased attention to economic, social and cultural rights, the right to development and related matters,

1. Expresses its concern that, with the resources currently available from the United Nations regular budget, the High Commissioner will not be in a position to fulfil the full range of established and new mandates;

2. Appeals therefore to the Secretary-General, the Economic and Social Council and the General Assembly to take all necessary steps, without delay, to secure for the Office of the High Commissioner for Human Rights and for other relevant components of the Organization regular budget resources for the current and future bienniums that will be sufficient to permit the effective fulfilment of the responsibilities and mandates established by Member States and commensurate with the importance assigned by the Charter of the United Nations to the promotion and protection of human rights.

60th meeting
24 April 1998
[Adopted without a vote. See chap. III.]

1998/84. Restructuring of the agenda of the Commission on Human Rights

The Commission on Human Rights,

Having considered the proposal for the restructuring of the agenda submitted by the Chairman of the Commission at its fifty-fourth session (E/CN.4/1998/L.106),

Decides to adopt the proposal, as contained in the annex to the present resolution.

60th meeting
24 April 1998
[Adopted without a vote. See chap. XXV.]

ANNEX

Restructured agenda of the Commission on Human Rights

Item	Title
1.	Election of officers.
2.	Adoption of the agenda.
3.	Organization of the work of the session.
4.	Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights.
5.	The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.
6.	Racism, racial discrimination, xenophobia and all forms of discrimination.
7.	The right to development.
8.	Question of the violation of human rights in the occupied Arab territories, including Palestine.
9.	Question of the violation of human rights and fundamental freedoms in any part of the world, including: (a) Question of human rights in Cyprus; (b) Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII).
10.	Economic, social and cultural rights.
11.	Civil and political rights, including questions of: (a) Torture and detention; (b) Disappearances and summary executions; (c) Freedom of expression; (d) Independence of the judiciary, administration of justice, impunity; (e) Religious intolerance; (f) States of emergency; (g) Conscientious objection to military service.

12. Integration of the human rights of women and a gender perspective:

    (a) Violence against women.

13. Rights of the child.

14. Specific groups and individuals:

    (a) Migrant workers;

    (b) Minorities;

    (c) Mass exoduses and displaced persons;

    (d) Other vulnerable groups and individuals.

15. Indigenous issues.

16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

    (a) Report and draft decisions;

    (b) Election of members.

17. Promotion and protection of human rights:

    (a) Status of the International Covenants on Human Rights;

    (b) Human rights defenders;

    (c) Information and education;

    (d) Science and environment.

18. Effective functioning of human rights mechanisms:

    (a) Treaty bodies;

    (b) National institutions and regional arrangements;

    (c) Adaptation and strengthening of the United Nations machinery for human rights.

19. Advisory services and technical cooperation in the field of human rights.

20. Rationalization of the work of the Commission.

21. (a) Draft provisional agenda for the ... session of the Commission;

    (b) Report to the Economic and Social Council on the ... session of the Commission.

B. Decisions

1998/101. Organization of work

At its 2nd meeting, on 17 March 1998, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. H. Halinen, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

(b) In connection with item 5: Ms. F. Z. Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

(c) In connection with item 6: Mr. A. García Revilla, Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development;

(d) In connection with item 7: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(e) In connection with item 8: Mr. K. Sibal, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(f) In connection with item 8: Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(g) In connection with item 8: Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(h) In connection with item 8 (a): Mr. N. S. Rodley, Special Rapporteur on the question of torture;

(i) In connection with item 8 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(j) In connection with item 8 (d): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(k) In connection with item 9 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(l) In connection with item 9 (a): Ms. P. Flor, Chairperson of the Commission on the Status of Women;

(m) In connection with item 9 (a): Ms. S. Khan, Chairperson of the Committee on the Elimination of Discrimination against Women;

(n) In connection with item 9 (d): Mr. F. M. Deng, representative of the Secretary-General on internally displaced persons;

(o) In connection with item 10: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(p) In connection with item 10: Mr. A. Artucio, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(q) In connection with item 10: Mr. P. S. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(r) In connection with item 10: Mr. Choong-Hyun Paik, Special Rapporteur on the situation of human rights in Afghanistan;

(s) In connection with item 10: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Myanmar;

(t) In connection with item 10: Mr. C. J. Groth, Special Rapporteur on the situation of human rights in Cuba;

(u) In connection with item 10: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(v) In connection with item 10: Mr. G. Bíró, Special Rapporteur on the situation of human rights in the Sudan;

(w) In connection with item 10: Mr. M. Moussalli, Special Representative of the Commission on the situation of human rights in Rwanda;

(x) In connection with item 10: Mr. B. W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(y) In connection with item 10: Mr. R. Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(z) In connection with item 10: Mr. S. J. Sorabjee, Special Rapporteur on the situation of human rights in Nigeria;

(aa) In connection with item 10 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 10 (b);

(bb) In connection with item 10 (b): Ms. E. Aouij, independent expert;

(cc) In connection with item 11: Mr. J. A. Bustamante, Chairman-Rapporteur of the working group of intergovernmental experts on the human rights of migrants;

(dd) In connection with item 12: Mr. M. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(ee) In connection with item 14: Mr. P. Alston, Chairman of the eighth and ninth meetings of the Chairpersons of the human rights treaty bodies;

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(ff) In connection with item 15: Mr. J. Bengoa, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-ninth session;

(gg) In connection with item 15: Mr. B. Lindqvist, Special Rapporteur on disability of the Commission for Social Development (in accordance with Commission on Human Rights decision 1997/107 of 11 April 1997);

(hh) In connection with item 17: Mr. T. Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia;

(ii) In connection with item 17: Mr. A. Dieng, independent expert on the situation of human rights in Haiti;

(jj) In connection with item 17: Ms. M. Rishmawi, independent expert on the situation of human rights in Somalia;

(kk) In connection with item 17: Ms. L. I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(ll) In connection with item 17: Mr. D. García-Sayán, member of the Secretary-General's mission to Guatemala;

(mm) In connection with item 18: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(nn) In connection with item 19: Mr. J. Helgesen, Chairman-Rapporteur of the working group on the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

(oo) In connection with item 20: Mr. N. Eliasson, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

(pp) In connection with item 20: Mr. O. A. Otunnu, Special Representative of the Secretary-General on the impact of armed conflict on children;

(qq) In connection with item 20 (b): Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(rr) In connection with item 20 (d): Mr. J. I. Mora Godoy, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(ss) In connection with item 23: Mr. J. Urrutia, Chairman-Rapporteur of the working group established in accordance with Commission resolution 1995/32.

[See chap. III.]

1998/102. Effects of structural adjustment policies on the full enjoyment of human rights

At its 38th meeting, on 9 April 1998, the Commission on Human Rights, recalling its decision 1997/103 of 3 April 1997 and taking note of the notes by the Secretariat in this regard (E/CN.4/1998/26 and E/CN.4/1998/27), in particular the one concerning the decision of the Bureau of the fifty-third session that the second session of the open-ended working group on structural adjustment programmes and economic, social and cultural rights should be rescheduled to take place after the fifty-fourth session of the Commission on Human Rights, decided, by a roll-call vote of 36 votes to 14, with 3 abstentions:

(a) To authorize the open-ended working group to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and the comments received thereon and to report to the Commission at its fifty-fifth session;

(b) To request the independent expert appointed by the Chairman of the Commission at its fifty-third session to submit his report for circulation and comment as envisioned in decision 1997/103 and for consideration by the working group;

(c) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work, including the circulation for comment of the report of the independent expert as envisioned in decision 1997/103, and to provide the independent expert with all the necessary assistance and resources to carry out his mandate.

The Commission recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 36; see also chap. V.]

1998/103. Protection of the heritage of indigenous people

At its 38th meeting, on 9 April 1998, the Commission on Human Rights, taking note of resolution 1997/13 of 22 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the recommendation of the Sub-Commission that the United Nations High Commissioner for Human Rights organize a seminar on the draft principles and guidelines for the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31, annex) and the participation of the Special Rapporteur, Ms. Erica-Irene A. Daes, representatives of Governments, United Nations bodies and organizations, specialized agencies and organizations of indigenous people, and competent indigenous persons.

[See chap. XXIII.]

1998/104. Human rights and scientific and technological developments

At its 51st meeting, on 17 April 1998, the Commission on Human Rights, taking note of resolution 1997/42 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling that at its current session the Commission will not consider the agenda item entitled "Human rights and scientific and technological developments", recalling its resolution 1997/22 of 11 April 1997 in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies, and reiterating that studies to be undertaken by members of the Sub-Commission should be based on extended working papers in which the subject and purpose of the proposed study are clearly identified, decided, without a vote, to request the Sub-Commission to reconsider its recommendation to appoint a special rapporteur on human rights and scientific and technological developments.

[See chap. XV.]

1998/105. Study concerning the right to freedom of movement

At its 51st meeting, on 17 April 1998, the Commission on Human Rights, taking note of resolution 1997/30 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having taken note of the working paper submitted by Mr. Volodymyr Boutkevitch to the Sub-Commission on the right to freedom of movement and related issues (E/CN.4/Sub.2/1997/22), recognizing the important work done in this field by the Special Rapporteurs of the Sub-Commission, Mr. José D. Ingles and Mr. C. L. C. Mubanga-Chipoya, recognizing also the important role of both the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration in this field and in related areas, recalling its resolution 1997/22 of 11 April 1997 in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies, and reiterating that studies to be undertaken by members of the Sub-Commission should be based on extended working papers in which the subject and purpose of the proposed study are clearly identified, decided, without a vote, to return to the question of the appointment of Mr. Boutkevitch as Special Rapporteur on the right of everyone to leave any country, including his own, and to return to his country, at its fifty-fifth session, on the basis of a further and extended working paper.

[See chap. XV.]

1998/106. Freedom of movement and population transfer

At its 52nd meeting, on 17 April 1998, the Commission on Human Rights, taking note of resolution 1997/29 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to recommend to the Economic and Social Council that the final report of Mr. Awn Al-Khasawneh, Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1997/23), be published and widely disseminated.

[See chap. IX.]

1998/107. Human rights and terrorism

At its 52nd meeting, on 17 April 1998, the Commission on Human Rights, taking note of resolution 1997/39 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, by a roll-call vote of 37 votes to none, with 16 abstentions, to approve the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper (E/CN.4/Sub.2/1997/28), and to request the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session.

The Commission requested the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. IX.]

1998/108. Question of human rights and states of emergency

At its 56th meeting, on 21 April 1998, the Commission on Human Rights, taking note of resolution 1997/27 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having taken note of the final report and the tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency submitted by Mr. Leandro Despouy, the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1997/19 and Add.1), and recognizing the important work done by Mr. Despouy, and recalling its resolution 1997/22 of 11 April 1997 in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies, decided, without a vote, to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency was proclaimed or was continued during the reporting period.

[See chap. XV.]

1998/109. Question of human rights in Cyprus

At its 57th meeting, on 21 April 1998, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a), entitled "Question of human rights in Cyprus", of the current item 10 and to give it due priority at its fifty-fifth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. X.]

1998/110. Organization of the work of the fifty-fifth session of the Commission

At its 58th meeting, on 22 April 1998, the Commission on Human Rights, taking note of Economic and Social Council decision 1994/297 of 29 July 1994 and bearing in mind Council decision 1995/296 of 25 July 1995, decided, without a vote, that the fifty-fifth session of the Commission should be scheduled to take place from 15 March to 23 April 1999.

[See chap. III.]

1998/111. Organization of the work of the fifty-fifth session of the Commission

At its 58th meeting, on 22 April 1998, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-fourth sessions, decided, without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, thirty fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fifth session;

(b) To request the Chairman of the Commission at its fifty-fifth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Economic and Social Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]

1998/112. Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

At its 60th meeting, on 24 April 1998, the Commission on Human Rights, with a view to enhancing the effectiveness of the mechanisms of the Commission, decided, without a vote, to appoint the Bureau to undertake a review of those mechanisms with a view to making recommendations to the Commission at its fifty-fifth session.

[See chap. III.]

III. ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-fourth session at the United Nations Office at Geneva from 16 March to 24 April 1998. It held 60 meetings (E/CN.4/1998/SR.1-60) 1/ during the session.

2. The session was opened by Mr. Miroslav Somol, Chairman of the Commission at its fifty-third session, who made a statement.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers for other States Members of the United Nations, by observers for non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 16 March 1998, the Commission elected the following officers by acclamation:

Chairman:	Mr. Jacob S. Selebi (South Africa)
Vice-Chairmen:	Mr. Iftekhar Ahmed Chowdhury (Bangladesh) Mr. Luis Gallegos Chiriboga (Ecuador) Mr. Ross Hynes (Canada)
Rapporteur:	Mr. Roman Kuzniar (Poland)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-fourth session (E/CN.4/1998/1 and Corr.1 and Add.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fifty-third session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. The agenda was adopted without a vote. For the text, see annex II to the present report.

E. Organization of work

7. At its 2nd meeting, on 17 March 1998, the Commission considered the organization of its work.

8. For the documents issued under agenda item 3, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

9. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 7; items 5 and 6; items 9 and 17; items 11, 16 and 18; and items 13 and 14. The Commission further agreed to consider the agenda items in the following order: 1 and 2; 3; 4 and 7; 12; 13 and 14; 5 and 6; 23; 11, 16 and 18; 15; 8; 19; 9 and 17; 24; 10 (b); 10; 20; 22; 21; 25; 26.

10. Also at its 2nd meeting, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 10 minutes or two statements of 5 minutes per item or group of items. Observers and non-governmental organizations were limited to one statement of five minutes per item or group of items. Observer States and national liberation movements mentioned in reports submitted to the Commission were limited to one statement of 10 minutes under the item concerned. National commissions (institutions) on human rights under item 9 (b) were limited to one statement of seven minutes. The introductions of draft consensus resolutions by a co-sponsor (if requested) were limited to three minutes. It was also agreed that, with regard to rights of reply, a limitation to two replies, three minutes for the first and two minutes for the second, at the end of the day or at the end of the general debate on any particular item(s), would be observed.

11. It was also recommended that guest speakers should limit their statements to 10-15 minutes. Special rapporteurs, special representatives, independent experts and chairpersons of working groups should limit their initial statements to 10 minutes and their concluding remarks, if necessary, to 5 minutes. The Commission also accepted the recommendation of its officers regarding the use of points of order as follows: the Chair would not admit the use of points of order to express disagreement or provide any arguments in favour of or against questions of substance raised by guest speakers.

12. At the same meeting, it was decided that the list of speakers would be opened at the beginning of the session for all participants to be inscribed for all agenda items. There would be three separate lists, for members, observers and non-governmental organizations, and they would speak in that order. If the list of speakers was not exhausted during a particular meeting, the remaining speakers would be given the floor at the next meeting, in the same order. The closure of the list of speakers on any particular item(s) would be announced by the Chairman in advance.

13. It was also recommended that draft resolutions and decisions, in order to respect editorial and other requirements, should be submitted at least three working days before the date on which they were scheduled to be considered. The deadline for the submission of draft resolutions would be set by the Chairman in consultation with the Bureau and announced sufficiently in advance.

14. It was further decided that the Commission would dispense with the requirement of a quorum except for meetings at which a vote would be taken.

15. Also at its 2nd meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairpersons-rapporteurs of working groups to participate in the meetings at which their reports were to be considered. In addition, it was decided to invite the Chairpersons of the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women, and the head of the Secretary-General's mission to Guatemala.

16. For the text of the decision as adopted, see chapter II, section B, decision 1998/101.

17. It was further decided that additional meetings of the working groups of the Commission under agenda items 19, 20 and 20 (d) would take place parallel to the plenary.

18. At the 7th meeting, on 19 March 1998, the United Nations High Commissioner for Human Rights, Ms. Mary Robinson, introduced her reports (E/CN.4/1998/104 and Corr.1 and 2 and E/CN.4/1998/122) (see also chap. XXI).

19. In the general debate on agenda item 3, statements 2/ were made by the following members of the Commission: Bangladesh (3rd), Canada (also on behalf of Australia, Liechtenstein, New Zealand, Switzerland) (58th), China (3rd), Cuba (5th, 6th), Denmark (5th), Germany (on behalf of the Group of Western European and other States) (3rd), India (3rd), Indonesia (4th), Pakistan (4th), Republic of Korea (on behalf of the Group of Asian States) (3rd), Sri Lanka (3rd), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union and Norway) (58th), United States of America (58th).

20. The Commission heard statements by the observers for: Algeria (58th), Egypt (4th).

Organization of the work of the session

21. On 20 March 1998, the representative of Bangladesh submitted draft resolution E/CN.4/1998/L.2, sponsored by Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, Malaysia, Mexico, Pakistan, the Philippines, Singapore, Sri Lanka, the Sudan, Thailand, Uganda, the United Republic of Tanzania and Yemen. Israel subsequently joined the sponsors.

22. At the 60th meeting, on 24 April 1998, the representative of Bangladesh withdrew the draft resolution, which read as follows:

"Organization of the work of the session

"*The Commission on Human Rights*,

"*Recalling* the Chairman's statement of 18 April 1997 (E/1997/23-E/CN.4/1997/150, chap. III, para. 34), "_Concerned_ about the harmful effects of politicization, acrimony and discrimination in the cause of human rights,

"_Reiterating_ the importance of cooperation and consultation as well as consensus-building in the context of enhancing the effectiveness of the Commission,

"_Concerned_ about the considerable increase in the workload, including the growing amount of documentation submitted to and the resolutions and decisions adopted by the Commission over the years, and conscious of the need to make a more rational and efficient use of the time and resources available to the Commission,

"_Bearing in mind_ the need to promote constructive dialogue and increased transparency in the Commission, as well as to ensure the participation of all States in consultations leading to decision-making,

"_Seeking_ to make further progress on the spirit and substance of the Chairman's statement of 18 April 1997,

"1. _Decides_ that the Chairman, or a member of the Bureau to be designated by the Chairman, shall conduct open-ended consultations on the issues included in the annex to the present resolution during the inter-sessional period on possible mechanisms for restructuring, revitalizing and further enhancing the effectiveness of the Commission, and report thereon at its fifty-fifth session;

"2. _Also decides_ that, pending the outcome of the inter-sessional consultations, all draft decisions and resolutions to be considered by the Commission will be scheduled with at least 24 hours' notice and in a manner such that no more than two consultations take place at the same time.

"_Annex_

"_Issues to be addressed during the inter-sessional consultations_

"1. Length and schedule of the annual session of the Commission and organization of work.

"2. Restructuring of the agenda:

(a) Clustering of items;

(b) Periodicity of the consideration of items;

(c) Equal treatment of the consideration of all rights.

"3. Documentation to be considered by the Commission, _inter alia_:

(a) Preparation of the Commission's documentation and its availability prior to the opening of the annual session;

(b) Availability of background documentation;

(c) Contributions by Member States, governmental and intergovernmental observers, and non-governmental organizations.

"4. Methods of work of the Commission:

(a) Time management with regard to interventions and presentation of reports;

(b) Methods for organizing consultations during the session, including the allocation of appropriate time and venues for this purpose;

(c) Contribution of non-governmental organizations to the debate on the various substantive items of the agenda;

(d) Review of the overall system of submission of reports, inter alia by the Secretary-General, the Commission's inter-sessional working groups, and thematic and country special procedures.

"5. Overall review of the special procedures system:

(a) Special rapporteurs, special representatives and individual experts;

(b) Working groups.

"6. Review of the staffing policy and overall support by the Secretariat to the Commission."

Situation of human rights in Colombia

23. At its 9th meeting, on 20 March 1998, the Commission heard a statement by Mr. José Fernando Castro, People's Advocate (Ombudsman) of Colombia.

24. At the 25th meeting, on 31 March 1998, the United Nations High Commissioner for Human Rights introduced her report on Colombia (E/CN.4/1998/16).

25. At the same meeting, a statement was made by the Observer for Colombia.

26. At the 39th meeting, on 9 April 1998, the Chairman, on behalf of the Commission, made the following statement concerning the situation of human rights in Colombia:

> "The Commission on Human Rights welcomes the fact that the permanent office of the United Nations High Commissioner for Human Rights in Bogotá, during its first year of work, has enjoyed the cooperation of State and governmental institutions and has been able to conduct its activities in Colombia without any impediment. It also welcomes the fact that it has available to it an analytical and detailed report on the situation of human rights in Colombia, by the permanent office of the High Commissioner in Bogotá, as well as a document containing the observations of the Government of Colombia.

"The Commission notes the readiness of the Government of Colombia, as expressed in its observations, to give the conclusions and recommendations of the report the most serious consideration in view of their importance and, on this basis, urges the Government to advance, with the support of the office, in the implementation of the recommendations contained in the report as soon as possible.

"The Commission welcomes the renewal of the agreement between the Government of Colombia and the High Commissioner for Human Rights extending the mandate of the permanent office in Bogotá until 30 April 1999. The Commission considers of greatest importance the work which the office has been undertaking in the promotion of respect for human rights, which may facilitate reconciliation between Colombians and the search for peace. It believes that the office, which is tasked with assisting the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and with observing violations of human rights in the country, performs a vital role in bringing the human rights situation in Colombia into focus. The Commission expects that the activities of the office will continue to contribute to improving the human rights situation in Colombia, promoting a climate of trust between the Government and all sectors involved in the conflict, encouraging a process of constructive dialogue involving non-governmental organizations and other sectors of civil society, and preventing violations of human rights and international humanitarian law.

"While encouraging the work of the special commission set up by the Government of Colombia for the analysis, follow-up and implementation of the recommendations of international human rights bodies, the Commission considers that, although progress has been made in the implementation of the recommendations, in particular those of the thematic rapporteurs and working groups, it is still not sufficient to improve the situation of human rights in Colombia.

"In this context, the Commission is deeply concerned at the gravity and scale of the violations of human rights and breaches of international humanitarian law reported to the office in Bogotá.

"The Commission is deeply preoccupied by the persistence and intensification of the internal armed conflict, which entails increasingly serious and continuous abuses and violations of human rights and international humanitarian law mainly by 'paramilitary' groups (also known as 'self-defence' groups or grupos de autodefensa) and guerrillas, but also by certain State agents.

"The Commission urges all parties to make serious efforts to negotiate a peaceful conclusion to the internal armed conflict. In this context, it acknowledges the actions of the Government of Colombia, of many State institutions and numerous organizations of civil society aimed at making progress in the peace process, in particular the creation of the National Peace Council, the 10 million votes for peace cast by the citizens of Colombia heeding the call of the non-governmental movement 'Mandate for Peace', the authorizing of regional governors to promote humanitarian agreements with guerrilla groups, and the growing openness of Colombia to international participation in the search for negotiated solutions to armed confrontation.

"The Commission acknowledges the package of important policies and measures adopted and set in train by the Government of Colombia in the field of protecting and defending human rights and its willingness to cooperate with the office of the High Commissioner for Human Rights in Bogotá and the Commission's special rapporteurs and working groups, and its readiness to continue and reinforce them. Notwithstanding the foregoing, the Commission remains deeply concerned that the situation of endemic violence and the situation of internal armed conflict affecting many parts of the country have resulted in serious consequences for human rights.

"The Commission stresses the background analyses contained in the report of the office of the High Commissioner for Human Rights in Bogotá, according to which two political events of the highest importance, as far as their influence on the human rights situation is concerned, occurred in Colombia in 1997, namely the electoral process which will culminate in June 1998 with the election of a new President, and the broad debate in Colombian society about the possibility of a peaceful outcome to the present armed conflict.

"The Commission acknowledges that the Government of Colombia has taken steps for the application of humanitarian standards in the conflict and welcomes its continued cooperation with the International Committee of the Red Cross and the facilitation of the latter's humanitarian activities in the country.

"The Commission is deeply concerned at the growing and harmful contribution of 'paramilitary' groups to the increasingly violent situation in much of Colombia and to the deterioration of the internal armed conflict, and at the involvement of those groups in more than half the violent crimes attributed to the parties to the conflict. This is reflected notably in the alarming number of massacres of non-combatants and the dramatic increase in numbers of displaced persons. The Commission is similarly concerned at the fact that members of the 'paramilitary' groups sometimes act in conjunction with, or with the acquiescence of, members of the armed forces or police.

"The Commission welcomes the reduction in the number of human rights violations attributed to the armed forces and the police, but is concerned that the measures taken by the authorities have not yet succeeded in ensuring that any support for the activities of 'paramilitary' groups is investigated and punished. It notes, however, that there has been an increase in human rights violations committed by 'paramilitaries'. It notes the measures taken by the Government and State investigative authorities to put an end to 'paramilitary' groups, and urges all the authorities to intensify those measures to the maximum until the results are fully satisfactory, including by instituting legal proceedings against any State agents who cooperate with the 'paramilitaries'.

"The Commission expects that the armed forces of Colombia will implement the intention expressed to the office of the High Commissioner for Human Rights in Bogotá to dismiss from service all those in their ranks who may be implicated in crimes against humanity.

"The Commission condemns terrorist and other violent acts by guerrilla groups, which violate international humanitarian law. It calls on the guerrilla groups to respect norms of international humanitarian law and especially condemns killings and all attacks on the civilian population, indiscriminate massacres, kidnapping and threats to kill nationals and foreigners, hostage-taking, the widespread use of anti-personnel landmines, and the recruitment of children.

"Similarly, the Commission condemns electoral sabotage by the guerrilla groups, through the kidnapping and murder of candidates for election to public posts, as well as the murder of various mayors who have not yielded to their pressure. It urges guerrilla groups to release mayors whom they are keeping prisoner and to allow them to exercise, democratically, the mandate granted by the citizens who elected them. At the same time, for humanitarian reasons, it urges the guerrilla groups to release all the soldiers in their possession and all the persons they have kidnapped in contravention of international humanitarian law, including the 30 Colombian and 6 foreign citizens held by the guerrilla group Fuerzas Armadas Revolucionarias de Colombia (FARC).

"The Commission welcomes the recommendations of the Colombian Constitutional Court on 7 November 1997 to impose strict controls on the weapons held by the 'special private security and vigilante services' (the so-called Convivir groups). It also welcomes the measures adopted by the Government of Colombia to regulate the establishment and functioning of those bodies, particularly prohibition of their establishment in zones of conflict. Furthermore, it encourages the disbanding of those groups which have failed to comply with the recommendations. It calls upon the Government to ensure the required resources to monitor closely the activities of all such groups in order to guarantee their effective control and ensure that they remain within the law.

"The Commission recognizes the legislative progress made in Colombia, the most recent examples of which are the ratification of the Inter-American Convention to Prevent and Punish Torture and the rules regulating the recruitment of those under 18 for compulsory military service.

"The Commission calls upon the Government of Colombia to promote the conclusion of the process of reform of the military penal code, in accordance with successive recommendations made by United Nations human rights mechanisms, by excluding from military courts serious human rights violations and in particular crimes against humanity, by separating the functions of the executive and the judiciary, and by introducing criminal indemnification proceedings (la parte civil).

"The Commission calls for the urgent promotion and adoption of the draft law to put an end to forced disappearances and genocide and to increase the punishment for acts of torture, as well as adoption of other more effective measures to prevent and terminate acts of enforced disappearance, in accordance with article 3 of the Declaration on the Protection of All Persons from Enforced Disappearance, and in accordance with recommendations made by United Nations human rights mechanisms.

"The Commission recognizes the fact that a draft law has been presented to the Colombian Congress to advance the abolition of the regional justice system.

"The Commission urges early agreement in the Congress on and effective implementation of the draft laws mentioned in the three preceding paragraphs.

"The Commission remains concerned at the unacceptable level of impunity, in particular regarding abuses by State agents that continue to fall under the jurisdiction of military courts. It calls upon the Government of Colombia to take steps to address this problem as a matter of urgency. It welcomes the important advances made in a number of cases of gross human rights violations by the Human Rights Unit in the Office of the Procurator-General, which is investigating and indicting State agents, guerrillas and members of 'paramilitary' groups responsible for violations of human rights or international humanitarian law.

"The Commission urges the Government of Colombia to strengthen and consolidate its support, through all institutions of the State for all those who promote the defence of human rights. It is deeply concerned at the apparent increased threat to many human rights defenders, as demonstrated, inter alia, by the killing of the two researchers of the Centre for Research and Popular Education in May 1997, and the murder of the Chairman of the Human Rights Commission in Antioquia in February. It is also deeply concerned that some members of the State intelligence organizations consider human rights defenders to be linked to guerrilla groups, and sometimes seek to have them investigated by the judicial authorities through the use of witnesses linked to the intelligence organizations. It calls upon the Government to give special importance to the safety of human rights workers. It notes the adoption in July 1997 of the Presidential Directive on recognition of the work of human rights advocates, and other measures taken by the Government to improve this situation and to protect human rights defender organizations.

"The Commission acknowledges the efforts made by the Government of Colombia to address the problem of the internal displacement of large numbers of Colombian citizens, which is largely symptomatic of the internal conflict. However, it remains deeply concerned about the increasing numbers of internally displaced persons in Colombia, which call for firm action by the Colombian authorities, perhaps in coordination with international bodies. It takes note with satisfaction of all the measures taken by the Government to provide solutions to this problematic situation and expects those measures to become established and implemented effectively. In this context, it welcomes the understanding reached recently between the Government of Colombia and the Office of the United Nations High Commissioner for Refugees on establishing a liaison office in Bogotá. It urges the Government to continue to seek effective means to prevent such displacements, to take all necessary measures to protect the life and physical integrity of internally displaced persons, and to ensure security for organizations supporting them.

"The Commission requests the High Commissioner for Human Rights to present to it at its fifty-fifth session a detailed report containing an analysis by her Office of the situation of human rights in Colombia, in accordance with the provisions of the agreement between the Government of Colombia and the High Commissioner on the operation of the permanent office in Bogotá."

27. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (25th), Andean Commission of Jurists (25th), Canadian Council of Churches (25th), Catholic Institute for International Relations (25th), France-Libertés: Fondation Danielle Mitterrand (10th), Franciscans International (10th), International Commission of Jurists (25th), International Federation of Human Rights Leagues (25th), International League for the Rights and Liberation of Peoples (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (joint statement with World Organization against Torture) (39th), Lawyers Committee for Human Rights (9th), Lutheran World Federation (joint statement with World Alliance of Reformed Churches, World Council of Churches) (25th), OXFAM (United Kingdom and Ireland) (9th), Pax Christi International (25th), Pax Romana (25th), Women's International Democratic Federation (25th).

Outbreak of violence in Kosovo

28. At the 14th meeting, on 24 March 1998, the Chairman, on behalf of the Commission, made the following statement concerning the outbreak of violence in Kosovo:

"The Commission on Human Rights is deeply concerned at the recent outbreak of violence in Kosovo, Federal Republic of Yugoslavia. It deplores the death of a large number of civilians, including women, children and the elderly. It condemns the excessive and brutal use of force by the Serbian police.

"The Commission once again calls upon the authorities in Belgrade to cease violations of human rights and to take urgent steps to protect and promote internationally accepted standards of human rights in Kosovo. Government authorities have a clear duty to protect the rights of all citizens and to ensure that public security forces act with restraint and in full respect of internationally agreed norms and standards.

"The Commission stresses that it also condemns terrorism in all its forms and from any quarter, and denounces all acts of violence, including by Kosovo Albanian groups. It calls upon the leaders of the Kosovo Albanian community to make clear their total rejection of terrorism.

"The Commission urges the Government of the Federal Republic of Yugoslavia and the leadership of the Kosovo Albanian community to start a genuine dialogue with the aim of finding a peaceful solution, taking into account the rights of the Kosovo Albanians as well as of all others who live in Kosovo and consistent with respect for the territorial integrity of the Federal Republic of Yugoslavia.

"The Commission supports the statement by the United Nations High Commissioner for Human Rights of 12 March 1998 and calls upon the authorities in Belgrade to cooperate fully with her requests, in particular to facilitate the deployment of additional human rights officers in Kosovo and to agree to the establishment of an office of the High Commissioner in Pristina.

"The Commission requests the newly appointed Special Rapporteur on the former Yugoslavia to make an early visit to the region and to report back to the Commission, and calls upon the authorities in Belgrade to cooperate fully with him.

"The Commission welcomes the initiative of the Special Rapporteur on extrajudicial, summary or arbitrary executions in seeking to visit Kosovo and report to it at its current session. The Commission calls upon the authorities in Belgrade to cooperate fully with him. The Commission also calls upon the authorities in Belgrade to permit independent investigation, including by relevant international bodies, into allegations of extrajudicial killings and, if these allegations are borne out, to prosecute and punish those responsible. There must be no impunity for such acts."

29. At the same meeting, a statement was made by the representative of Pakistan on behalf of the Organization of the Islamic Conference.

Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

30. At the 60th meeting, on 24 April 1998, the Chairman orally proposed a draft decision concerning the enhancement of the effectiveness of the mechanisms of the Commission.

31. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/112.

Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

32. At the 60th meeting, on 24 April 1998, the Chairman introduced draft resolution E/CN.4/1998/L.107, submitted by the Chairman.

33. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/83.

F. Meetings, resolutions and documentation

34. As indicated in paragraph 1 above, the Commission held 60 fully serviced meetings, including 11 additional meetings, authorized by Economic and Social Council decision 1996/295 of 24 July 1996.

35. The resolutions and decisions adopted by the Commission at its fifty-fourth session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I. For a list of resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

36. Annex III contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-fourth session.

37. Annex IV contains a list of documents issued for the fifty-fourth session of the Commission.

G. Visits

38. During its fifty-fourth session, the Commission heard statements [1] by the following guest speakers:

(a) At the 1st meeting, on 16 March 1998: Mr. Kofi Annan, Secretary-General of the United Nations; Mr. Vaclav Havel, President of the Czech Republic;

(b) At the 2nd meeting, on 17 March 1998: Mr. Kamal Kharazi, Minister for Foreign Affairs of the Islamic Republic of Iran; Mr. Youri V. Ushakov, Deputy Minister for Foreign Affairs of the Russian Federation; Ms. Aloysea Inyumba, Minister of Family, Gender and Social Affairs of Rwanda; Mr. Tony Lloyd, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement); Mr. Masahiko Koumura, Secretary of State for Foreign Affairs of Japan; Ms. Tarja Halonen, Minister for Foreign Affairs of Finland, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Myanmar (10th); Ms. Patrizia Toia, Minister of State for Foreign Affairs of Italy; Mr. Lionel Jospin, Prime Minister of France; Mr. Abel Matutes, Minister for Foreign Affairs of Spain; Ms. Emma Bonino, Member of the European Commission (European Union); Ms. Benita Ferrero-Waldner, Secretary of State for Foreign Affairs of Austria;

(c) At the 3rd meeting, on 17 March 1998: Ms. Hilde Frafjord-Johnson, Minister for Development and Human Rights of Norway; Mr. Klaus Kinkel, Minister for Foreign Affairs of Germany; Mr. Boris Frlec, Minister for Foreign Affairs of Slovenia; Ms. Ljerka Mintas-Hodak, Deputy Prime Minister of Croatia; Mr. Eduardo Stein Barillas, Minister for Foreign Affairs of Guatemala; Mr. José Gregori, National Secretary for Human Rights of Brazil; Mr. Gorgi Spasov, Minister of Justice of the former Yugoslav Republic of

Macedonia, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Greece (3rd), followed by a statement in exercise of the equivalent of the right of reply by the Observer for the former Yugoslav Republic of Macedonia (3rd); Mr. Kamal Thapa, Minister for Foreign Affairs of Nepal;

(d) At the 5th meeting, on 18 March 1998: Mr. Camilo Reyes Rodriguez, Deputy Minister for Foreign Affairs of Colombia; Mr. Maciej Kozlowski, Deputy Minister for Foreign Affairs of Poland; Mr. Ahmed Attaf, Minister for Foreign Affairs of Algeria; Mr. Rokas Bernotas, Deputy Minister for Foreign Affairs of Lithuania; Ms. Lydie Err, Secretary of State for Foreign Affairs of Luxembourg; Mr. Moustapha Niasse, Minister for Foreign Affairs of Senegal; Mr. Augustin Kontchou Kouomegni, Minister of State in charge of External Relations of Cameroon, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Nigeria (6th), followed by a statement in exercise of the equivalent of the right of reply by the Observer for Cameroon (6th); Mr. Erik Derycke, Minister for Foreign Affairs of Belgium; Mr. Gohar Ayub Khan, Minister for Foreign Affairs of Pakistan, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of India (6th) and by the Observer for Afghanistan (6th), followed by a statement in exercise of the right of reply by the representative of Pakistan (6th);

(e) At the 6th meeting, on 18 March 1998: Mr. Hikmet Sami Turk, State Minister in charge of Human Rights of Turkey; Mr. Rodolphe Adada, Minister for Foreign Affairs of the Congo;

(f) At the 7th meeting, on 19 March 1998: Ms. Sadako Ogata, United Nations High Commissioner for Refugees; Ms. Frances Rodrigues, Deputy Minister for Foreign Affairs and Cooperation of Mozambique; Mr. Jorge Madrazo, Attorney-General of Mexico; Mr. Marcel Eloi Rahandi Chambrier, Minister of Justice of Gabon; Sheikh Mohammed bin Mubarak Al-Khalifa, Minister for Foreign Affairs of Bahrain;

(g) At the 8th meeting, on 19 March 1998: Mr. Hans van Mierlo, Minister for Foreign Affairs of the Netherlands; Ms. Nina Mazai, Deputy Minister for Foreign Affairs of Belarus; Mr. Valdis Birkavs, Minister for Foreign Affairs of Latvia;

(h) At the 9th meeting, on 20 March 1998: Archbishop Jean-Louis Tauran, Secretary for Relations with States of the Holy See; Ms. Lena Hjelm-Wallén, Minister for Foreign Affairs of Sweden; His Highness Torki Ben Mohammed Ben Saoud Al-Kabeer, Head, International Organizations Department, Ministry of Foreign Affairs of Saudi Arabia; Mr. Abdullah Ahmad Ghanem, Minister of Legal Affairs of Yemen; Mr. Valentine W.C. Kayope, Deputy Minister for Foreign Affairs of Zambia;

(i) At the 10th meeting, on 20 March 1998: Mr. Roberto Robaina González, Minister for Foreign Affairs of Cuba;

(j) At the 11th meeting, on 23 March 1998: Mr. Dali Jazy, Minister of Higher Education of Tunisia;

(k) At the 12th meeting, on 23 March 1998: Mr. Abdullah Mohammed Omar, Minister of Justice of South Africa;

(l) At the 13th meeting, on 24 March 1998: Mr. Pierre-Henri Imbert, Director of Human Rights of the Council of Europe;

(m) At the 15th meeting, on 25 March 1998: Mr. Omar El Muntasser, Secretary-General, General People's Committee for Foreign Liaisons of the Libyan Arab Jamahiriya; Mr. Jaime Gama, Minister for Foreign Affairs of Portugal, in connection with whose statement statements in exercise of the right of reply were made by the representative of Indonesia (16th, 18th), followed by a statement in exercise of the equivalent of the right of reply by the Observer for Portugal (18th); Mr. Azeddine Laraki, Secretary-General of the Organization of the Islamic Conference, in connection with whose statement a statement in exercise of the right of reply was made by the representative of India (16th);

(n) At the 16th meeting, on 25 March 1998: Mr. Bill Richardson, Permanent Representative of the United States of America to the United Nations, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of Cuba (16th) and by the Observer for Iraq (16th);

(o) At the 17th meeting, on 26 March 1998: Mr. Ali Mohammed Othman Yassin, Minister of Justice of the Sudan; Mr. Friis Arne Petersen, Permanent Secretary for Foreign Affairs of Denmark;

(p) At the 18th meeting, on 26 March 1998: Mr. Federico Mayor, Director-General of the United Nations Educational, Scientific and Cultural Organization; Mr. Jonathan Motzfeldt, Premier of Greenland, Denmark; Mr. Asdrúbal Aguiar, Minister of the Secretariat of the Presidency of Venezuela and President of the National Commission on Human Rights of Venezuela;

(q) At the 19th meeting, on 27 March 1998: Ms. Carmen Moreno, Deputy Minister for Foreign Affairs of Mexico;

(r) At the 22nd meeting, on 30 March 1998: Mr. Lloyd Axworthy, Minister for Foreign Affairs of Canada; Ms. Andrea Willi, Minister for Foreign Affairs of Liechtenstein;

(s) At the 23rd meeting, on 30 March 1998: Mr. Fernando Naranjo, Minister for Foreign Affairs of Costa Rica;

(t) At the 28th meeting, on 2 April 1998: Mr. Bamouni Somolou Stanislas Baba, Minister of Justice and Human Rights of Togo;

(u) At the 30th meeting, on 3 April 1998: Mr. Mariano Fernández A., Deputy Minister for Foreign Affairs of Chile;

(v) At the 32nd meeting, on 6 April 1998: Mr. Gabriel Aguilera Peralta, Deputy Minister for Foreign Affairs of Guatemala;

(w) At the 42nd meeting, on 14 April 1998: Mr. Mweze Nkongolo, Minister of Justice of the Democratic Republic of the Congo;

(x) At the 45th meeting, on 15 April 1998: Mr. Paskal Milo, Minister for Foreign Affairs of Albania; Mr. Tom Ikimi, Minister for Foreign Affairs of Nigeria;

(y) At the 49th meeting, on 16 April 1998: Mr. Georges Chikoty, Deputy Minister for Foreign Affairs of Angola;

(z) At the 54th meeting, on 20 April 1998: Mr. Miguel Oyono Ndong Mifumu, Deputy Prime Minister and Minister for Foreign Affairs of Equatorial Guinea.

39. A statement in exercise of the right of reply was made by the representative of China (20th).

H. Other matters

40. At its 6th meeting, on 18 March 1998, the Commission observed a minute of silence in memory of the five members of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) who had lost their lives in a helicopter accident on 17 March 1998.

41. At its 54th meeting, on 20 April 1998, the Commission observed a minute of silence in memory of José Eduardo Umaña Mendoza, a Colombian human rights defender, who had been assassinated on 18 April 1998. At the same meeting, statements were made by the observers for Colombia and the World Organization against Torture (joint statement with International Service for Human Rights).

I. Organization of the work of the fifty-fifth session of the Commission

42. At the 58th meeting, on 22 April 1998, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fifth session of the Commission (dates of the session).

43. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/110.

44. At the same meeting, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fifth session of the Commission (additional meetings).

45. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/111.

J. Concluding remarks

46. At the 60th meeting, on 24 April 1998, concluding remarks were made by the following speakers:

(a) Ms. Mary Robinson, United Nations High Commissioner for Human Rights;

(b) The representative of Senegal (on behalf of the Group of African States);

(c) The representative of the Republic of Korea (on behalf of the Group of Asian States);

(d) The representative of Poland (on behalf of the Group of Eastern European States);

(e) The representative of Ecuador (on behalf of the Group of Latin American and Caribbean States);

(f) The representative of Germany (on behalf of the Group of Western European and other States);

(g) The representative of Tunisia (on behalf of the Group of Arab States);

(h) Mr. Jacob Selebi, Chairman of the fifty-fourth session of the Commission on Human Rights.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

47. The Commission considered agenda item 4 concurrently with item 7 (see chap. VII) at its 3rd to 5th meetings, from 17 to 18 March, at its 6th to 10th meetings, from 18 to 20 March, and at its 20th meeting, on 27 March 1998. 1/

48. For the documents issued under agenda item 4, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

49. At the 3rd meeting, on 17 March 1998, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. Hannu Halinen, introduced his report (E/CN.4/1998/17). At the 9th meeting, on 20 March 1998, the Special Rapporteur made his concluding remarks.

50. In the general debate on agenda item 4, statements 2/ were made by the following members of the Commission: Bangladesh (7th), Botswana (7th), Canada (8th), China (6th), Cuba (6th), India (3rd), Indonesia (4th), Japan (6th), Madagascar (6th), Malaysia (8th), Morocco (6th), Pakistan (8th), Republic of Korea (6th), Russian Federation (7th), Senegal (8th), Sudan (7th), Tunisia (on behalf of the Group of Arab States) (3rd), Ukraine (6th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (5th), United States of America (7th).

51. The Commission heard statements by the observers for: Algeria (8th), Egypt (4th), Iran (Islamic Republic of) (8th), Israel (8th), Jordan (6th), Libyan Arab Jamahiriya (8th), Norway (8th), Saudi Arabia (6th), Swaziland (8th), Syrian Arab Republic (4th), Yemen (8th). The Observer for Palestine also made a statement (4th).

52. A statement was also made by the Observer for the League of Arab States (4th).

53. The Commission also heard statements by the following non-governmental organizations: Amnesty International (4th), Association for World Education (4th), International Commission of Jurists (8th), International Federation of Human Rights Leagues (4th), International Save the Children Alliance (4th), Pax Christi International (4th).

54. A statement in exercise of the equivalent of the right of reply was made by the Observer for Palestine (8th).

55. At its 20th meeting, on 27 March 1998, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

Question of the violation of human rights in the occupied Arab territories, including Palestine

56. The Observer for Egypt introduced draft resolution E/CN.4/1998/L.3, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen. Malaysia and Mali subsequently joined the sponsors.

57. Statements in connection with the draft resolution were made by the Observers for Israel and Palestine.

58. Statements in explanation of vote before the vote were made by the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) and the United States of America.

59. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 31 votes to 1, with 20 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda.

Against: United States of America.

Abstaining: Argentina, Austria, Belarus, Canada, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Poland, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

60. The delegation of Venezuela later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

61. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/1.

Human rights in the occupied Syrian Golan

62. The Observer for the Syrian Arab Republic introduced draft resolution E/CN.4/1998/L.5, sponsored by Algeria, Bahrain, Bangladesh, Cuba, the Democratic People's Republic of Korea, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Malaysia and Pakistan subsequently joined the sponsors.

63. A statement in connection with the draft resolution was made by the Observer for Israel.

64. A statement in explanation of vote before the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union).

65. The representative of the United States of America requested a vote. At the request of the Observer for the Syrian Arab Republic, a roll-call vote was taken on the draft resolution, which was adopted by 33 votes to 1, with 19 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Belarus, Bhutan, Botswana, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Venezuela.

Against: United States of America.

Abstaining: Austria, Brazil, Canada, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Peru, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

66. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/2.

Israeli settlements in the occupied Arab territories

67. The representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) introduced draft resolution E/CN.4/1998/L.7, sponsored by Algeria, Australia, Austria, Bahrain, Belgium, Bulgaria, Cape Verde, Cyprus, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Jordan, Luxembourg, Malta, Morocco, the Netherlands, New Zealand, Portugal, San Marino, Saudi Arabia, Slovakia, Spain, Sweden, Switzerland, Tunisia and the United Kingdom of Great Britain and Northern Ireland. Bangladesh, Liechtenstein, Madagascar, the Russian Federation and South Africa subsequently joined the sponsors.

68. A statement in connection with the draft resolution was made by the Observer for Israel.

69. At the request of the representative of the United States of America, a vote by show of hands was taken on the draft resolution, which was adopted by 51 votes to 1.

70. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/3.

V. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

71. The Commission considered agenda item 5 concurrently with item 6 (see chap. VI) at its 13th to 18th meetings, from 24 to 26 March, at its 38th meeting, on 9 April, and at its 51st meeting, on 17 April 1998. 1/

72. For the documents issued under agenda item 5, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

73. At the 15th meeting, on 25 March 1998, a statement was made by Ms. Angela E. King, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women.

74. At the same meeting, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Ms. Fatma-Zohra Ksentini, introduced her report (E/CN.4/1998/10 and Add.1 and 2).

75. In the general debate on agenda item 5, statements 2/ were made by the following members of the Commission: Bangladesh (16th), Brazil (17th), Chile (13th), China (15th), Cuba (15th), El Salvador (17th), Guatemala (16th), India (14th), Japan (16th), Madagascar (16th), Nepal (15th), Pakistan (16th), Peru (14th), Republic of Korea (17th), Russian Federation (16th), Senegal (16th), South Africa (16th), Tunisia (17th), Uganda (15th), Ukraine (17th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia aligned themselves with the statement) (15th).

76. The Commission heard statements by the observers for: Algeria (18th), Egypt (15th), Finland (16th), Haiti (18th), Iran (Islamic Republic of) (18th), Nicaragua (18th), Nigeria (16th), Norway (16th), Paraguay (14th), Portugal (18th), Swaziland (15th), United Arab Emirates (16th), United Republic of Tanzania (14th), Yemen (18th).

77. Statements were also made by the observers for the Food and Agriculture Organization of the United Nations (18th), the International Federation of Red Cross and Red Crescent Societies (16th), the United Nations Centre for Human Settlements (Habitat) (16th), the World Bank (17th) and the World Health Organization (14th).

78. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (18th), African Commission of Health and Human Rights Promoters (14th), Afro-Asian Peoples' Solidarity Organization (18th), American Association of Jurists (14th), Asian Cultural Forum on Development (17th), ATLAS-Association tunisienne pour l'auto-développement et la solidarité (17th), Caritas Internationalis (18th), Centre Europe-Tiers Monde (14th), Earthjustice Legal Defense Fund (18th), Human Rights Advocates, Inc.(14th), Indian Council of Education (17th), Indian Movement "Tupaj Amaru" (14th), International Association against Torture (18th), International Association of Democratic Lawyers (14th), International Educational Development, Inc. (14th), International Federation of Social Workers (16th), International Federation of University Women (joint statement with American Association of Retired Persons, Associated Country Women of the World, Baha'i International Community, CHANGE, Coalition against Trafficking in Women, Consumers International, International Abolitionist Federation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Baccalaureate Organisation, International Council of Jewish Women, International Council on Social Welfare, International Council of Women, International Federation of Settlements and Neighbourhood Centres, National Council of German Women's Organizations, Soroptimist International, Women's International Zionist Organization, Women's World Summit Foundation, World Federation of the Ukrainian Women's Organizations, World Union of Catholic Women's Organizations, Zonta International) (14th), International Federation Terre des Hommes (18th), International Institute for Non-Aligned Studies (16th), International League for the Rights and Liberation of Peoples (17th), International Movement ATD Fourth World (18th), International Movement of Apostolate in the Independent Social Milieus (14th), International Organization for the Development of Freedom of Education (16th), Minority Rights Group (18th), Pax Christi International (17th), Pax Romana (joint statement with Franciscans International) (14th), Service Peace and Justice in Latin America (17th), Socialist International (18th), Women's International League for Peace and Freedom (17th), World Federation for Mental Health (17th), World Federation of Trade Unions (14th), World Muslim Congress (17th), World Society of Victimology (17th).

Human rights and unilateral coercive measures

79. At the 38th meeting, on 9 April 1998, the Observer for Colombia introduced draft resolution E/CN.4/1998/L.9, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries).

80. A statement in explanation of vote before the vote was made by the representative of the United States of America.

81. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 37 votes to 7, with 8 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: Canada, Germany, Japan, Luxembourg, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Czech Republic, Denmark, France, Ireland, Italy, Poland, Ukraine.

82. The delegation of Mali later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

83. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/11.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

84. At the 38th meeting, on 9 April 1998, the representative of Senegal introduced draft resolution E/CN.4/1998/L.20/Rev.1, sponsored by Senegal (on behalf of the Group of African States). Costa Rica, Iraq, the Libyan Arab Jamahiriya and Paraguay subsequently joined the sponsors.

85. Statements in explanation of vote before the vote were made by the representatives of Germany, Malaysia, the Philippines and the United States of America.

86. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications _3_/ of the draft resolution.

87. The representative of the United States of America requested a vote. At the request of the representative of Senegal, a roll-call vote was taken on the draft resolution, which was adopted by 33 votes to 14, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guinea, India, Indonesia, Madagascar, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: Belarus, Canada, Czech Republic, Denmark, France, Germany, Italy, Japan, Luxembourg, Poland, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Guatemala, Ireland, Malaysia, Philippines, Republic of Korea.

88. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/12.

Effects of structural adjustment policies on the full enjoyment of human rights

89. At the 38th meeting, on 9 April 1998, the representative of the Philippines introduced draft decision E/CN.4/1998/L.31, sponsored by the Philippines.

90. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

91. A statement in explanation of vote before the vote was made by the representative of Japan.

92. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of the Philippines, a roll-call vote was taken on the draft decision, which was adopted by 36 votes to 14, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: Austria, Belarus, Canada, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, Peru, Poland.

93. For the text of the decision as adopted, see chapter II, section B, decision 1998/102.

The right to food

94. At the 51st meeting, on 17 April 1998, the representative of Cuba introduced draft resolution E/CN.4/1998/L.16, sponsored by Afghanistan, Algeria, Bangladesh, Bhutan, Cameroon, Canada, Cape Verde, Chile, China,

Colombia, the Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Guatemala, Guinea, Haiti, India, Iran (the Islamic Republic of), Iraq, Ireland, Italy, Kenya, the Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mozambique, Nepal, Nigeria, Pakistan, Panama, Peru, Portugal, Rwanda, Senegal, South Africa, Sri Lanka, Swaziland, the Syrian Arab Republic, Togo, Uganda, the United Republic of Tanzania, Venezuela, Viet Nam and Yemen. Angola, Australia, Austria, Belarus, Costa Rica, Germany, Liechtenstein, Norway, the Philippines, the Russian Federation, the Sudan and Tunisia subsequently joined the sponsors.

95. The second and eighth preambular paragraphs and operative paragraphs 6 and 7 of the draft resolution were orally revised by the representative of Cuba.

96. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1998/L.16 was issued in document E/CN.4/1998/L.94.

97. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/23.

Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

98. At the 51st meeting, on 17 April 1998, the representative of Cuba introduced draft resolution E/CN.4/1998/L.17, sponsored by Algeria, Angola, Bangladesh, Cameroon, China, Colombia, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Egypt, Gabon, Ghana, Guinea, Haiti, Iran (the Islamic Republic of), Iraq, Kenya, Madagascar, Mali, Mozambique, Nigeria, Rwanda, Senegal, the Sudan, Swaziland, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Viet Nam, Yemen and Zimbabwe. The Congo, the Dominican Republic and Tunisia subsequently joined the sponsors.

99. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1998/L.17 was issued in document E/CN.4/1998/L.95.

100. Statements in explanation of vote before the vote were made by the representatives of Argentina, Japan, Mexico and the United States of America.

101. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a vote by show of hands was taken on the draft resolution, which was adopted by 27 votes to 16, with 9 abstentions.

102. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/24.

Human rights and extreme poverty

103. At the 51st meeting, on 17 April 1998, the representative of France introduced draft resolution E/CN.4/1998/L.29, sponsored by Afghanistan, Algeria, Angola, Argentina, Bangladesh, Belgium, Bulgaria, Cameroon, Cape Verde, Chile, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Greece, Guatemala, Honduras, India, Ireland, Italy, Luxembourg, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Rwanda, San Marino, Senegal, Slovakia, South Africa, Spain, Switzerland, Togo, Ukraine and Venezuela. Andorra, Australia, Bhutan, Brazil, China, Georgia, Germany, Guinea, Iraq, Mali, Malta, Nigeria, Norway, Pakistan, the Sudan and Uruguay subsequently joined the sponsors.

104. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1998/L.29 was issued in document E/CN.4/1998/L.96.

105. Statements in explanation of vote before the vote were made by the representatives of Japan and the United States of America.

106. The representative of the United States of America requested a vote. At the request of the representative of France, a roll-call vote was taken on the draft resolution, which was adopted by 51 votes to 1. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Canada, Cape Verde, Chile, China, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Guinea, India, Indonesia, Ireland, Italy, Japan, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: None.

107. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/25.

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

108. At the 51st meeting, on 17 April 1998, the Observer for Portugal introduced draft resolution E/CN.4/1998/L.35, sponsored by Andorra, Angola, Australia, Austria, Belgium, Bulgaria, Cameroon, Cape Verde, Chile, Costa Rica, the Czech Republic, Denmark, the Dominican Republic, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, Mexico, Nepal, the Netherlands, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Slovakia, South Africa, Spain, Sweden, Switzerland, Togo and Uganda. Argentina, Belarus, Brazil, the Congo, Cyprus, El Salvador, Georgia, Guatemala, Malta, the Russian Federation, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

109. The representative of the United States of America proposed amending the draft resolution by inserting the words "within existing overall United Nations resources" at the end of operative paragraph 7, and the words "from within existing overall United Nations resources," after "for a period of three years," in the draft decision set out in operative paragraph 8. These proposed amendments were not accepted by the sponsors.

110. Statements in connection with the draft resolution were made by the representative of India and by the Observer for Portugal.

111. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1998/L.35 was issued in document E/CN.4/1998/L.97.

112. A statement in explanation of vote before the vote was made by the representative of the United States of America.

113. At the request of the representative of the United States of America, a vote by show of hands was taken on the draft resolution, which was adopted by 52 votes to 1.

114. Statements in explanation of vote after the vote were made by the representatives of Japan and the United Kingdom of Great Britain and Northern Ireland.

115. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/33.

VI. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

116. The Commission considered agenda item 6 concurrently with item 5 (see chap. V) at its 13th to 18th meetings, from 24 to 26 March, and at its 58th meeting, on 22 April 1998. 1/

117. For the documents issued under agenda item 6, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

118. At the 14th meeting, on 24 March 1998, the Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development, Mr. Antonio García Revilla, introduced the report of the Intergovernmental Group of Experts on its second session (E/CN.4/1998/29).

119. In the general debate on agenda item 6, statements 2/ were made by the following members of the Commission: Bangladesh (17th), Brazil (17th), Chile (13th), China (15th), Cuba (17th), El Salvador (16th), Guatemala (16th), India (14th), Indonesia (16th), Japan (16th), Madagascar (16th), Malaysia (18th), Morocco (14th), Nepal (15th), Pakistan (16th), Peru (14th), Republic of Korea (17th), Russian Federation (16th), Senegal (16th), South Africa (17th), Sri Lanka (14th), Tunisia (17th), Uganda (15th), Ukraine (17th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia aligned themselves with the statement) (15th), United States of America (18th).

120. The Commission heard statements by the observers for: Algeria (18th), Colombia (18th), Côte d'Ivoire (16th), Egypt (15th), Ethiopia (16th), Finland (16th), Iran (Islamic Republic of) (18th), Iraq (14th), Nicaragua (18th), Nigeria (16th), Norway (16th), Portugal (18th), Swaziland (15th), United Arab Emirates (16th), United Republic of Tanzania (14th), Yemen (18th). The Observers for the Holy See (14th) and Switzerland (16th) also made statements.

121. Statements were also made by the observers for the International Federation of Red Cross and Red Crescent Societies (16th), the United Nations Centre for Human Settlements (Habitat) (16th), the United Nations Children's Fund (18th), the World Bank (17th) and the World Health Organization (14th).

122. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (18th), African Commission of Health and Human Rights Promoters (14th), Afro-Asian Peoples' Solidarity Organization (18th), American Association of Jurists (14th), Asian Buddhists Conference for Peace (17th), Asian Cultural Forum on Development (17th), ATLAS-Association tunisienne pour l'auto-développement et la solidarité (17th), Baha'i International Community (joint statement with African Commission of Health and Human Rights Promoters, All India Women's Conference, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Educational Development, Inc., International Organization for the Development of Freedom of Education, Susila Dharma International Association, United Towns Agency for North-South Cooperation, World Federation

of Methodist and Uniting Church Women, World Federation of United Nations Associations, Zonta International) (14th), Caritas Internationalis (18th), Himalayan Research and Cultural Foundation (17th), Indian Council of Education (17th), Indian Movement "Tupaj Amaru" (14th), International Association against Torture (18th), International Association of Democratic Lawyers (14th), International Federation of Rural Adult Catholic Movements (17th), International Federation of Social Workers (16th), International Indian Treaty Council (17th), International Institute for Peace (17th), International League for the Rights and Liberation of Peoples (17th), International Organization for the Development of Freedom of Education (16th), International Union of Latin Notariat (14th), Movement against Racism and for Friendship among Peoples (18th), Pax Romana (joint statement with Franciscans International) (14th), Service Peace and Justice in Latin America (17th), Socialist International (18th), Women's International League for Peace and Freedom (17th), World Federation for Mental Health (17th), World Federation of Trade Unions (14th), World Muslim Congress (17th), World Society of Victimology (17th).

123. A statement in exercise of the right of reply was made by the representative of Brazil (18th).

The right to development

124. At the 58th meeting, on 22 April 1998, the Observer for Colombia introduced draft resolution E/CN.4/1998/L.19, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries). Argentina, Australia, Austria, Belarus, Belgium, Brazil, Canada, Costa Rica, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Ireland, Italy, Japan, Norway, Paraguay, Poland, Portugal, the Republic of Korea, the Russian Federation, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

125. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

126. Statements in connection with the draft resolution were made by the representatives of Japan (also on behalf of Australia) and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union).

127. A statement in explanation of vote before the vote was made by the representative of the United States of America.

128. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/72.

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

129. The Commission considered agenda item 7 concurrently with item 4 (see chap. IV) at its 6th to 10th meetings, from 18 to 20 March, and at its 20th meeting, on 27 March 1998. 1/

130. For the documents issued under agenda item 7, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

131. At the 6th meeting, on 18 March 1998, the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Mr. Enrique Bernales Ballesteros, introduced his report (E/CN.4/1998/31 and Add.1).

132. In the general debate on agenda item 7, statements 2/ were made by the following members of the Commission: China (8th), Cuba (8th), Indonesia (8th), Madagascar (6th), Pakistan (8th), Republic of Korea (6th), Sudan (7th), Tunisia (6th), Ukraine (6th).

133. The Commission heard statements by the Observers for: Algeria (8th), Armenia (6th), Azerbaijan (8th), Egypt (6th), Iran (Islamic Republic of) (8th), Iraq (6th), Jordan (6th), Norway (8th), Portugal (8th), Swaziland (8th), Syrian Arab Republic (8th).

134. The Commission also heard statements by the following non-governmental organizations: Arab Lawyers Union (9th), Asian Buddhists Conference for Peace (9th), Centre Europe-Tiers Monde (7th), International Association of Democratic Lawyers (9th), International Commission of Jurists (8th), International Educational Development, Inc., (7th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (6th), International Indian Treaty Council (9th), International League for the Rights and Liberation of Peoples (9th), International Progress Organization (9th), Liberation (9th), Pax Christi International (joint statement with Transnational Radical Party)(9th), Pax Romana (9th), Society for Threatened Peoples (6th), United Towns Agency for North-South Cooperation (7th), World Muslim Congress (9th), World Society of Victimology (joint statement with International Human Rights Association of American Minorities)(9th).

135. Statements in exercise of the right of reply or its equivalent were made by the representatives of Indonesia (8th, 10th) and Morocco (8th) and by the Observers for Angola (8th) and Portugal (8th, 10th).

136. At its 20th meeting, on 27 March 1998, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

Situation in occupied Palestine

137. The representative of Tunisia introduced draft resolution E/CN.4/1998/L.4, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen. Malaysia and South Africa subsequently joined the sponsors.

138. Statements in connection with the draft resolution were made by the Observers for Israel and Palestine.

139. A statement in explanation of vote before the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union).

140. The representative of the United States of America requested a vote. At the request of the representative of Tunisia, a roll-call vote was taken on the draft resolution, which was adopted by 34 votes to 1, with 18 abstentions. The voting was as follows:

In favour: Bangladesh, Belarus, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Venezuela.

Against: United States of America.

Abstaining: Argentina, Austria, Canada, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

141. A statement in explanation of vote after the vote was made the representative of the Russian Federation.

142. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/4.

Question of Western Sahara

143. The Chairman introduced draft resolution E/CN.4/1998/L.6, submitted by the Chairman.

144. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/5.

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

145. The representative of Cuba introduced draft resolution E/CN.4/1998/L.8, sponsored by Algeria, Cuba, the Democratic Republic of the Congo, Egypt, Guinea, Mali, Swaziland and Uganda. Angola, Cameroon, Ethiopia, Ghana, India, Madagascar and Nigeria subsequently joined the sponsors.

146. The representative of Cuba orally revised the draft resolution by inserting, after operative paragraph 4, two new operative paragraphs.

147. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

148. A statement in explanation of vote before the vote was made by the representative of the United States of America.

149. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 35 votes to 9, with 8 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Uganda, Uruguay, Venezuela.

Against: Austria, Canada, Denmark, Germany, Japan, Luxembourg, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belarus, Czech Republic, France, Ireland, Italy, Republic of Korea, Ukraine.

150. The delegation of Tunisia later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

151. A statement in explanation of vote after the vote was made by the representative of the Congo.

152. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/6.

VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

153. The Commission considered agenda item 8 at its 26th to 31st meetings, from 1 to 3 April, at its 51st and 52nd meetings, on 17 April, and at its 58th meeting, on 22 April 1998. 1/

154. For the documents issued under agenda item 8, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

155. At the 26th meeting, on 1 April 1998, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, presented the report of the Working Group (E/CN.4/1998/43).

156. At the 27th meeting, on 1 April 1998, the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, introduced his report (E/CN.4/1998/38 and Add.1 and 2).

157. Also at the 27th meeting, the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced his report (E/CN.4/1998/39 and Add.1-5). At the 31st meeting, on 3 April 1998, the Special Rapporteur made his concluding remarks.

158. At the 28th meeting, on 2 April 1998, the Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Carlos Vargas Pizarro, introduced the report of the working group (E/CN.4/1998/42 and Corr.1).

159. Also at the 28th meeting, Mr. Ivan Tosevski, in his capacity as a member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, made a statement.

160. At the 30th meeting, on 3 April 1998, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, introduced his report (E/CN.4/1998/40 and Add.1 and 2).

161. Also at the 30th meeting, Mr. Louis Joinet, a member of the Working Group on Arbitrary Detention, introduced the report of the Working Group (E/CN.4/1998/44 and Add.1 and 2). At the 31st meeting, on 3 April 1998, Mr. Joinet made his concluding remarks.

162. In the general debate on agenda item 8, statements 2/ were made by the following members of the Commission: Argentina (28th), Austria (28th), Belarus (30th), Brazil (30th), Chile (28th), China (31st), Denmark (30th), Indonesia (28th), Ireland (28th), Mexico (27th), Pakistan (31st), Peru (30th), Poland (31st), Republic of Korea (28th), Russian Federation (31st), Senegal (28th), Tunisia (31st), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (28th), Venezuela (28th).

163. The Commission heard statements by the Observers for: Algeria (31st), Andorra (28th), Bosnia and Herzegovina (28th), Cameroon (31st), Costa Rica (26th), Cyprus (31st), Egypt (28th), Iran (Islamic Republic of) (31st), Norway (28th), Zambia (31st). The Observer for Switzerland also made a statement (31st).

164. Statements were also made by the Observers for the International Committee of the Red Cross (31st) and the United Nations Children's Fund (29th).

165. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (27th), Afro-Asian Peoples' Solidarity Organization (27th), American Association of Jurists (26th), Amnesty International (27th), Andean Commission of Jurists (29th), Arab Organization for Human Rights (27th), Article XIX: The International Centre against Censorship (26th), Asian Buddhists Conference for Peace (27th), Asian Cultural Forum on Development (27th), Association for the Prevention of Torture (27th), Centre Europe-Tiers Monde (26th), Christian Democrat International (29th), Commission for the Defense of Human Rights in Central America (31st), December Twelfth Movement International Secretariat (27th), European Union of Public Relations (28th), Fédération des associations pour la défense et la promotion des droits de l'homme (31st) France-Libertés: Fondation Danielle Mitterrand (27th), Franciscans International (26th), Himalayan Research and Cultural Foundation (29th), Human Rights Watch (27th), Indian Council of Education (28th), Indian Movement "Tupaj Amaru" (29th), International Association against Torture (27th), International Association of Democratic Lawyers (27th), International Commission of Jurists (29th), International Council of Nurses (31st), International Educational Development, Inc. (27th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (29th), International Federation of Human Rights Leagues (26th), International Federation of Journalists (28th), International Federation of Women in Legal Careers (31st), International Human Rights Law Group (27th), International Indian Treaty Council (28th), International Institute for Peace (29th), International League for Human Rights (31st), International League for the Rights and Liberation of Peoples (27th), International Movement for Fraternal Union among Races and Peoples (26th), International Organization for the Elimination of All Forms of Racial Discrimination (29th), International PEN (26th), International Prison Watch (28th), International Progress

Organization (27th), International Rehabilitation Council for Torture Victims (27th), Latin American Federation of Associations of Relatives of Disappeared Detainees (29th), Lawyers Committee for Human Rights (29th), Liberation (28th), Movement against Racism and for Friendship among Peoples (28th), Pax Christi International (29th), Pax Romana (26th), Robert F. Kennedy Memorial (27th), Society for Threatened Peoples (31st), Transnational Radical Party (31st), Treaty Four (29th), War Resisters' International (27th), Women's International League for Peace and Freedom (29th), World Federation of Democratic Youth (29th), World Federation of Trade Unions (31st), World Muslim Congress (31st), World Organization against Torture (26th), World Society of Victimology (29th), Worldview International Foundation (31st).

166. Statements in exercise of the right of reply or its equivalent were made by the representatives of Cuba (31st), Malaysia (29th), Morocco (29th) and Venezuela (31st) and by the Observers for Bahrain (29th), Egypt (27th), the Libyan Arab Jamahiriya (29th), Mauritania (29th), Viet Nam (29th) and Yemen (27th, 29th).

Hostage-taking

167. At the 51st meeting, on 17 April 1998, the representative of the Russian Federation introduced draft resolution E/CN.4/1998/L.43, sponsored by Argentina, Belarus, Brazil, Chile, China, Colombia, Costa Rica, Cyprus, El Salvador, Greece, India, Ireland, Italy, Japan, Nicaragua, Peru, the Philippines, Portugal, the Republic of Korea, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. Australia, Bangladesh, the Dominican Republic, Ecuador, Georgia, Indonesia, Pakistan, Poland, Spain, Sri Lanka, Turkey, Uruguay and Venezuela subsequently joined the sponsors.

168. Operative paragraph 1 of the draft resolution was orally revised by the representative of the Russian Federation.

169. Statements in connection with the draft resolution were made by the representatives of Mexico and Peru.

170. At the request of the representative of Peru, consideration of the draft resolution was postponed.

171. At its 58th meeting, on 22 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.43.

172. A statement in connection with the draft resolution was made by the representative of the Russian Federation, who withdrew the revisions made earlier to operative paragraph 1, which had replaced the words "aimed at the destruction of human rights" by "constituting a serious obstacle to the full enjoyment of all human rights".

173. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/73.

Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

174. At the 51st meeting, on 17 April 1998, the Observer for Costa Rica introduced draft resolution E/CN.4/1998/L.49, sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Mali, Mexico, Nicaragua, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Uruguay and Venezuela. Belarus, Canada, Nepal, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

175. Operative paragraph 8 of the draft resolution was orally revised by the Observer for Costa Rica.

176. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

177. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/34.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

178. At the 51st meeting, on 17 April 1998, the Observer for Hungary introduced draft resolution E/CN.4/1998/L.53, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Ireland, Italy, Lithuania, Luxembourg, Madagascar, Mali, Nepal, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Angola, Japan, the former Yugoslav Republic of Macedonia and Togo subsequently joined the sponsors.

179. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/35.

Human rights and forensic science

180. At the 51st meeting, on 17 April 1998, the representative of Denmark introduced draft resolution E/CN.4/1998/L.54, sponsored by Argentina, Austria, Canada, Denmark, France, Germany, Greece, Portugal, the Russian Federation, Slovakia, Spain and the United States of America. Belarus, Finland, Italy, Japan and the Philippines subsequently joined the sponsors.

181. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/36.

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182. At the 51st meeting, on 17 April 1998, the Observer for Portugal introduced draft resolution E/CN.4/1998/L.55, sponsored by Angola, Austria, Belgium, Brazil, Bulgaria, Canada, Cape Verde, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, San Marino, Slovakia, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Argentina, Armenia, Australia, Costa Rica, Egypt, Israel, the former Yugoslav Republic of Macedonia and Tunisia subsequently joined the sponsors.

183. A statement in explanation of vote before the vote was made by the representative of Mexico.

184. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/37.

Torture and other cruel, inhuman or degrading treatment or punishment

185. At the 51st meeting, on 17 April 1998, the representative of Denmark introduced draft resolution E/CN.4/1998/L.56, sponsored by Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Angola, Argentina, Belarus, Bulgaria, Costa Rica, Ecuador, Georgia, Iceland, the Russian Federation, Senegal, South Africa, the former Yugoslav Republic of Macedonia and Venezuela subsequently joined the sponsors.

186. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

187. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/38.

Human rights in the administration of justice, in particular of children and juveniles in detention

188. At the 51st meeting, on 17 April 1998, the representative of Austria introduced draft resolution E/CN.4/1998/L.58, sponsored by Andorra, Argentina, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cape Verde, Chile, Colombia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Mali, Malta, Mexico, Mongolia, Nicaragua,

the Philippines, Poland, Portugal, the Republic of Korea, Romania, Rwanda, Slovakia, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay. Angola, Australia, Brazil, Canada, Cyprus, Greece, Haiti, New Zealand, Norway and Togo subsequently joined the sponsors.

189. The fifth preambular paragraph and operative paragraph 15 of the draft resolution were orally revised by the representative of Austria.

190. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/39.

Question of enforced or involuntary disappearances

191. At the 51st meeting, on 17 April 1998, the representative of France introduced draft resolution E/CN.4/1998/L.60, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Côte d'Ivoire, Cuba, Cyprus, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Senegal, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Angola, Armenia, Brazil, Costa Rica, Ecuador, the Russian Federation and the former Yugoslav Republic of Macedonia subsequently joined the sponsors.

192. Operative paragraphs 2 and 11 of the draft resolution were orally revised by the representative of France.

193. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

194. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/40.

Question of arbitrary detention

195. At the 51st meeting, on 17 April 1998, the representative of France introduced draft resolution E/CN.4/1998/L.61, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Angola, Armenia, Costa Rica, the Dominican Republic, Ecuador, the Russian Federation, the former Yugoslav Republic of Macedonia and Uruguay subsequently joined the sponsors.

196. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/41.

Right to freedom of opinion and expression

197. At the 51st meeting, on 17 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.62, sponsored by Andorra, Austria, Bulgaria, Canada, Cape Verde, Chile, the Czech Republic, El Salvador, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, Peru, Portugal, Romania, Slovakia, Sweden and Switzerland. Angola, Argentina, Australia, Bangladesh, Belgium, Brazil, Colombia, Costa Rica, Côte d'Ivoire, Denmark, the Dominican Republic, Ecuador, Egypt, Estonia, Georgia, Greece, Guatemala, India, Latvia, Lithuania, Luxembourg, Mali, Mauritius, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Poland, Slovenia, Spain, the Russian Federation, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

198. The draft resolution was adopted without a vote.

199. The representative of Cuba made a statement in connection with the resolution after its adoption.

200. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/42.

The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

201. At the 52nd meeting, on 17 April 1998, the representative of Chile introduced draft resolution E/CN.4/1998/L.76, sponsored by Argentina, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Italy, Madagascar, the Netherlands, Nicaragua, the Philippines, Poland, Portugal, the Republic of Korea, Senegal, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Angola and Georgia subsequently joined the sponsors.

202. Operative paragraph 2 of the draft resolution was orally revised by the representative of Chile.

203. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

204. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/43.

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS.

205. The Commission considered agenda item 9 and sub-items (a)-(d) at its 7th meeting, on 19 March, and concurrently with item 17 (see chap. XVII) at its 32nd to 34th meetings, on 6 April, at its 35th meeting on 8 April, at its 39th to 41st meetings, on 9 April, at its 44th meeting, on 14 April, at its 52nd meeting, on 17 April, and at its 58th to 60th meetings, from 22 to 24 April 1998. 1/

206. For the documents issued under agenda item 9 and sub-items (a)-(d), see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

207. At its 33rd meeting, on 6 April 1998, the Commission held a special debate on gender issues and human rights. The debate was introduced by a panel of three speakers: Ms. Patricia Flor, Chairperson of the Commission on the Status of Women; Ms. Mary Robinson, United Nations High Commissioner for Human Rights; and Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences. Ms. Flor opened the discussion, and Ms. Robinson and Ms. Coomaraswamy subsequently made statements.

208. In the special debate on gender issues and human rights, statements were made by the following members of the Commission: Canada, Denmark, Germany, India, Japan, Republic of Korea, Tunisia, Uganda, United States of America, Venezuela.

209. The Commission heard statements by the Observers for: Afghanistan, Libyan Arab Jamahiriya, New Zealand, Norway, Sweden.

210. A statement was also made by the Observer for the United Nations Development Fund for Women.

211. The Commission also heard statements by the following non-governmental organizations: Centre for Women's Global Leadership, European Union of Public Relations, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Human Rights Law Group (joint statement with Amnesty International), International Institute for Peace,

International Movement against All Forms of Discrimination and Racism, North South XXI, World Federation of Methodist and Uniting Church Women.

212. In an interactive dialogue, the panel of speakers made remarks and responded to statements made.

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

213. At the 7th meeting, on 19 March 1998, the Chairperson of the Committee on the Elimination of Discrimination against Women, Ms. Salma Khan, made a statement.

214. At the 32nd meeting, on 6 April 1998, the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, introduced her report (E/CN.4/1998/54 and Add.1).

215. In the general debate on agenda item 9 (a), statements 2/ were made by the following members of the Commission: Bangladesh (35th), Brazil (34th), Canada (34th), China (35th), Cuba (35th), Denmark (35th), El Salvador (35th), Germany (35th), India (34th), Indonesia (39th), Japan (34th), Mexico (35th), Pakistan (35th), Peru (34th), Poland (35th), Republic of Korea (34th), Russian Federation (35th), South Africa (35th, 39th), Tunisia (35th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (35th), Ukraine (35th), United States of America (35th).

216. The Commission heard statements by the Observers for: Afghanistan (40th), Algeria (39th), Azerbaijan (39th), Cameroon (40th), Democratic People's Republic of Korea (40th), Georgia (39th), Iran (Islamic Republic of) (40th), Israel (40th), Libyan Arab Jamahiriya (39th), Lithuania (40th), Malta (39th), Netherlands (40th), New Zealand (39th), Norway (40th), Romania (40th), Turkey (40th). The Observer for Switzerland also made a statement (40th).

217. Statements were also made by the Observers for the United Nations Development Fund for Women (40th), the United Nations Population Fund (40th), the World Food Programme (39th) and the World Health Organization (39th).

218. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (40th), Afro-Asian Peoples' Solidarity Organization (41st), Asian Buddhists Conference for Peace (44th), Asian Cultural Forum on Development (41st), Asian Women's Human Rights Council (41st), Canadian Council of Churches (41st), Catholic Institute for International Relations (41st), European Union of Public Relations (41st), Himalayan Research and Cultural Foundation (41st), Human Rights Watch (41st), Indian Movement "Tupaj Amaru" (41st), International Confederation of Free Trade Unions (41st), International Federation of Human Rights Leagues (41st), International Federation of Women in Legal Careers (41st), International Human Rights Law Group (41st), International League for Human Rights (40th), International Organization for the Development of Freedom of Education (44th), International Progress Organization (41st),

International Women's Tribune Centre (44th), Latin American Committee for the Defence of Women's Rights (44th), Movement against Racism and for Friendship among Peoples (44th), Parliamentarians for Global Action (41st), Pax Christi International (40th), Transnational Radical Party (41st), Women's International Democratic Federation (41st), Women's International League for Peace and Freedom (41st), World Alliance of Reformed Churches (joint statement with World Council of Churches) (41st), World Federation for Mental Health (44th), World Federation of Methodist and Uniting Church Women (joint statement with Coalition against Trafficking in Women, Defence for Children International, International Council on Social Welfare, International Federation of Social Workers, International Federation of University Women, National Council of German Women's Organizations, Pax Christi International, Socialist International Women, Soroptimist International, Women's World Summit Foundation, World Association of Girl Guides and Girl Scouts, World Federation of United Nations Associations, World Union of Catholic Women's Organizations, World Young Women's Christian Association, Zonta International) (40th), World Organization against Torture (40th), World Society of Victimology (41st).

(b) National institutions for the promotion and protection of human rights

219. In the general debate on agenda item 9 (b), statements 2/ were made by the following members of the Commission: Argentina (34th), China (35th), El Salvador (35th), Guatemala (39th), Japan (34th), Madagascar (35th), Pakistan (35th), South Africa (39th), Sri Lanka (34th).

220. The Commission heard statements by the Observers for: Australia (40th), Malta (39th), Romania (40th).

221. Statements were also made by: Canadian Human Rights Commission (32nd), Comité supérieur des droits de l'homme et des libertés fondamentales (Tunisia) (34th), Commission nationale consultative des droits de l'homme (France) (34th), Commission nationale des droits de l'homme (Togo) (34th), Consultative Council for Human Rights of the Kingdom of Morocco (32nd), Danish Centre for Human Rights (32nd), Federal Human Rights and Equal Opportunities Commission of Australia (32nd), Human Rights Commission of New Zealand (32nd), National Commission on Human Rights and Freedoms of Cameroon (32nd), National Commission on Human Rights of Mexico (32nd), National Commission on Human Rights of Venezuela (34th), National Human Rights Commission of India (32nd), National Human Rights Commission of Indonesia (34th), National Security Council on Human Rights Issues of Georgia (34th), Observatoire national des droits de l'homme (Algeria) (34th), Philippines Commission on Human Rights (32nd), South African Human Rights Commission (32nd), Ugandan Human Rights Commission (34th).

222. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (40th), Asian Cultural Forum on Development (41st), Fédération des associations pour la défense et la promotion des droits de l'homme (44th), Human Rights Internet (41st), Service Peace and Justice in Latin America (44th).

(c) Coordinating role of the Office of the United Nations High Commissioner for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

223. In the general debate on agenda item 9 (c), statements 2/ were made by the following members of the Commission: China (35th), Cuba (35th), Poland (35th), Russian Federation (35th), South Africa (39th), Ukraine (35th).

224. The Commission heard statements by the Observers for: Georgia (39th), Malta (39th).

225. A statement was also made by the Observer for the World Food Programme (39th).

(d) Human rights, mass exoduses and displaced persons

226. At the 34th meeting, on 6 April 1998, the representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, introduced his report (E/CN.4/1998/53 and Add.1 and 2).

227. In the general debate on agenda item 9 (d), statements 2/ were made by the following members of the Commission: Austria (35th), Brazil (34th), Malaysia (35th), Mexico (35th), Russian Federation (35th), Ukraine (35th), United States of America (34th).

228. The Commission heard statements by the Observers for: Armenia (40th), Azerbaijan (39th), Cyprus (40th), Georgia (39th), Hungary (39th), Sweden (on behalf of the Nordic countries) (40th). The Observer for Switzerland also made a statement (40th).

229. Statements were also made by the Observers for the International Committee of the Red Cross (40th), the International Organization for Migration (40th), the United Nations Children's Fund (40th) and the World Food Programme (39th).

230. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (40th), Amnesty International (40th), Canadian Council of Churches (41st), Caritas Internationalis (joint statement with Friends World Committee for Consultation (Quakers))(41st), Catholic Institute for International Relations (41st), European Union of Public Relations (41st), Franciscans International (40th), Himalayan Research and Cultural Foundation (41st), International Educational Development, Inc. (41st), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (41st), International Institute for Non-Aligned Studies (41st), International Institute for Peace (41st), International Peace Bureau (41st), International Progress Organization (41st), Latin American Federation of Associations of Relatives of Disappeared Detainees (41st), Lutheran World Federation (joint statement with World Christian Life Community)(41st), Transnational Radical Party (41st), World Federation of Trade Unions (41st).

231. Statements in exercise of the equivalent of the right of reply were made by the Observers for Azerbaijan (41st), Cyprus (41st), Greece (41st) and Turkey (41st).

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

232. At the 52nd meeting, on 17 April 1998, the Observer for the Islamic Republic of Iran introduced draft resolution E/CN.4/1998/L.42, sponsored by the Islamic Republic of Iran and the Philippines. Afghanistan, Australia, Bangladesh, China, Cyprus, India, Japan, Jordan, New Zealand, Pakistan, the Republic of Korea, Sri Lanka and Thailand subsequently joined the sponsors.

233. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/44.

United Nations Decade for Human Rights Education

234. At the 52nd meeting, on 17 April 1998, the Observer for Costa Rica introduced draft resolution E/CN.4/1998/L.52, sponsored by Afghanistan, Algeria, Andorra, Argentina, Belarus, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Georgia, Greece, Guatemala, Haiti, Hungary, Iraq, Ireland, Israel, Italy, Japan, Latvia, Mexico, Mongolia, Nicaragua, Pakistan, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Rwanda, Senegal, Slovakia, Slovenia, South Africa, Tunisia, Ukraine, Uruguay and Venezuela. Angola, Australia, Austria, Bangladesh, Canada, the Democratic Republic of the Congo, India, Malaysia, Mali, the Netherlands, Norway, the Sudan, Thailand, the former Yugoslav Republic of Macedonia and Togo subsequently joined the sponsors.

235. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/45.

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

236. At the 52nd meeting, on 17 April 1998, the representative of Cuba introduced draft resolution E/CN.4/1998/L.63, sponsored by Algeria, Cape Verde, China, Colombia, the Congo, Cuba, the Democratic People's Republic of Korea, Egypt, El Salvador, Ethiopia, Guinea, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Mexico, Mozambique, Nigeria, Peru, Senegal, Sri Lanka, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Venezuela, Viet Nam and Yemen. Angola, Ecuador, Iraq, Lebanon, Mauritania, Saudi Arabia, the Sudan and Uganda subsequently joined the sponsors.

237. Operative paragraph 3 of the draft resolution was orally revised by the representative of Cuba.

238. A statement in connection with the draft resolution was made by Mr. Maryan Baquerot, Director of the Division of Administration of the United Nations Office at Geneva.

239. A statement in connection with the draft resolution was made by the representative of Cuba.

240. Statements in explanation of vote before the vote were made by the representatives of Canada (also on behalf of Australia and New Zealand), the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) and the United States of America.

241. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 36 votes to 16, with 1 abstention. The voting was as follows:

In favour:	Argentina, Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.
Against:	Austria, Belarus, Canada, Czech Republic, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Poland, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.
Abstaining:	Republic of Korea

242. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/46.

Human rights and terrorism

243. At the 52nd meeting, on 17 April 1998, the Observer for Turkey introduced draft resolution E/CN.4/1998/L.64, sponsored by Algeria, Azerbaijan, Colombia, Cuba, Egypt, Pakistan, Peru, the Russian Federation, Sri Lanka and Turkey. Bangladesh, Georgia and India subsequently joined the sponsors.

244. Statements in connection with the draft resolution were made by the representatives of Argentina, Chile and Mexico.

245. Statements in explanation of vote before the vote were made by the representatives of Canada, Japan, the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) and the United States of America.

246. At the request of the representative of the United States of America, a vote by show of hands was taken on the draft resolution, which was adopted by 33 votes to none, with 20 abstentions.

247. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/47.

248. At the same meeting, the Commission considered draft decision 9 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

249. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

250. A statement in connection with the draft decision was made by the representative of India.

251. The representative of the United States of America requested a vote. At the request of the representative of India, a roll-call vote was taken on the draft decision, which was adopted by 37 votes to none, with 16 abstentions. The voting was as follows:

In favour:	Bangladesh, Belarus, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.
Against:	None.
Abstaining:	Argentina, Austria, Canada, Czech Republic, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Mexico, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

252. For the text of the decision as adopted, see chapter II, section B, decision 1998/107.

Human rights and arbitrary deprivation of nationality

253. At the 52nd meeting, on 17 April 1998, the representative of the Russian Federation introduced draft resolution E/CN.4/1998/L.65, sponsored by Mexico, Portugal and the Russian Federation. Belarus, Colombia and Nicaragua subsequently joined the sponsors.

254. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/48.

Human rights and mass exoduses

255. At the 52nd meeting, on 17 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.67, sponsored by Australia, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Liechtenstein, Luxembourg, Madagascar, Nepal,

New Zealand, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Austria, Ecuador, El Salvador, Italy, Japan, Norway, Tunisia and Uruguay subsequently joined the sponsors.

256. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/49.

Internally displaced persons

257. At the 52nd meeting, on 17 April 1998, the representative of Austria introduced draft resolution E/CN.4/1998/L.68, sponsored by Afghanistan, Argentina, Austria, Azerbaijan, Bosnia and Herzegovina, Botswana, Bulgaria, Chile, Colombia, the Congo, Costa Rica, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Hungary, Ireland, Italy, Latvia, Liechtenstein, Malta, Mauritius, Mozambique, Nicaragua, Norway, Peru, Poland, the Republic of Korea, Rwanda, Slovakia, Slovenia, Sweden, Switzerland and Uganda. Angola, Australia, Belgium, Canada, Ecuador, Lithuania, Luxembourg, the Netherlands, Portugal, the Russian Federation, South Africa, the United States of America, Uruguay and Zambia subsequently joined the sponsors.

258. The representative of Austria orally revised operative paragraphs 1 to 3, 5, 6 and 11 and deleted operative paragraph 7 of the draft resolution.

259. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

260. Statements in connection with the draft resolution were made by the representatives of Mexico and the Sudan.

261. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/50.

Integrating the human rights of women throughout the United Nations system

262. At the 52nd meeting, on 17 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.69, sponsored by Australia, Austria, Bangladesh, Belarus, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Denmark, El Salvador, Finland, Ireland, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Peru, Portugal, the Republic of Korea, Romania, Spain, Sweden, Switzerland, Tunisia and the United States of America. Afghanistan, Angola, Argentina, the Dominican Republic, Ecuador, France, Germany, Greece, Guatemala, India, Lithuania, the Philippines, Poland, Slovenia, South Africa, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Zambia subsequently joined the sponsors.

263. Operative paragraph 7 of the draft resolution was orally revised by the representative of Canada.

264. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

265. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/51.

The elimination of violence against women

266. At the 52nd meeting, on 17 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.70, sponsored by Australia, Austria, Bangladesh, Brazil, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Denmark, El Salvador, Finland, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, Spain, Sweden, Switzerland and Tunisia. Afghanistan, Angola, Argentina, Belgium, the Dominican Republic, Ecuador, France, Georgia, Greece, Haiti, Iceland, the Philippines, the Republic of Korea, Slovenia, South Africa, the former Yugoslav Republic of Macedonia, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

267. A statement in connection with the draft resolution was made by the representative of Cuba.

268. A statement in explanation of vote before the vote was made by the representative of Germany.

269. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/52.

Impunity

270. At the 52nd meeting, on 17 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.72, sponsored by Canada, Finland, Germany, Hungary, Ireland, Italy, Liechtenstein, Portugal, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Australia, Austria, Bosnia and Herzegovina, the Czech Republic, Denmark, Ecuador, Ethiopia, France, Georgia, Guatemala, Haiti, the Netherlands, New Zealand, Norway and the former Yugoslav Republic of Macedonia subsequently joined the sponsors.

271. The representative of Canada orally revised the draft resolution by inserting a new preambular paragraph after the first preambular paragraph and by making changes to the fourth, fifth and seventh preambular paragraphs and operative paragraph 1.

272. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/53.

Towards a culture of peace

273. At the 52nd meeting, on 17 April 1998, the representative of El Salvador introduced draft resolution E/CN.4/1998/L.74, sponsored by Algeria, Argentina, Bangladesh, Bolivia, Botswana, Brazil, Cameroon, Cape Verde, Chile, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Israel, the Libyan Arab Jamahiriya, Madagascar, Mali, Mongolia, Morocco, Mozambique, Nicaragua, Panama, Paraguay, Peru, the Philippines, Saudi Arabia, Senegal, South Africa, the Sudan, Togo, Uganda, Uruguay and Venezuela. Angola, Georgia, Malta, Nepal and Tunisia subsequently joined the sponsors.

274. The draft resolution was adopted without a vote.

275. At the 60th meeting, on 24 April 1998, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) made a statement in connection with the resolution.

276. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/54.

National institutions for the promotion and protection of human rights

277. At the 52nd meeting, on 17 April 1998, the Observer for Australia introduced draft resolution E/CN.4/1998/L.75, sponsored by Argentina, Australia, Austria, Bangladesh, Cameroon, Canada, Cape Verde, Colombia, Croatia, Cyprus, Denmark, El Salvador, Ethiopia, France, India, Indonesia, Ireland, Italy, Latvia, Madagascar, Mexico, Mongolia, New Zealand, the Philippines, Romania, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, the United States of America and Venezuela. Angola, Costa Rica, Georgia, Israel, Norway, Portugal, the Russian Federation, Sri Lanka and Togo subsequently joined the sponsors.

278. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/55.

Fiftieth anniversary of the Universal Declaration of Human Rights

279. At the 52nd meeting, on 17 April 1998, the representative of Poland introduced draft resolution E/CN.4/1998/L.77/Rev.1, sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, the Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Nepal, the Netherlands, Norway, Peru, Poland, Portugal, the Republic of Korea, South Africa, the Sudan, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zambia and Zimbabwe. Australia, Bangladesh, Belarus, Croatia, Cuba, Cyprus, France, Lithuania, Mozambique, New Zealand, Romania, the Russian Federation, Slovakia, Spain and Ukraine subsequently joined the sponsors.

280. A statement in connection with the draft resolution was made by the representative of Cuba, who withdrew a text submitted by Cuba on 2 April 1998 concerning the fiftieth anniversary of the Universal Declaration of Human Rights.

281. Statements in explanation of vote before the vote were made by the representatives of Malaysia and the Sudan.

282. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/56.

Freedom of movement and population transfer

283. At its 52nd meeting, on 17 April 1998, the Commission considered draft decision 7 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

284. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/106.

Enhancement of international cooperation in the field of human rights

285. At the 58th meeting, on 22 April 1998, the Observer for Colombia introduced draft resolution E/CN.4/1998/L.41, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries). Israel subsequently joined the sponsors.

286. A statement in explanation of vote before the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union).

287. A statement in connection with the draft resolution was made by the representative of Germany.

288. On the proposal of the Chairman, consideration of the draft resolution was postponed.

289. At its 59th meeting, on 22 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.41.

290. The Observer for Colombia orally revised the second preambular paragraph and deleted operative paragraphs 1 and 4 of the draft resolution.

291. Statements in connection with the draft resolution were made by the representatives of Canada, Cuba, Germany and the United States of America and by the Observer for Colombia.

292. The representative of Germany requested a vote. The representative of Cuba requested a roll-call vote on the draft resolution, as orally revised.

293. On the proposal of the Chairman, consideration of the draft resolution was postponed.

294. At the 60th meeting, on 24 April 1998, the Observer for Colombia introduced draft resolution E/CN.4/1998/L.41/Rev.1.

295. The fourth preambular paragraph of the draft resolution was orally revised by the Observer for Colombia.

296. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/81.

Human rights and thematic procedures

297. At the 58th meeting, on 22 April 1998, the representative of the Czech Republic introduced draft resolution E/CN.4/1998/L.73, sponsored by Austria, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Finland, Germany, Hungary, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Peru, Poland, the Republic of Korea, Romania, Slovakia, Spain, Sweden, Switzerland and Uruguay. Argentina, Australia, Belgium, France, Greece, Ireland, Japan, Liechtenstein, Portugal, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

298. The representative of the Czech Republic orally revised the draft resolution by inserting a new preambular paragraph after the first preambular paragraph and by making changes to operative paragraphs 2 (b), 5 (b) and 11.

299. A statement in connection with the draft resolution was made by the representative of Cuba.

300. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/74.

301. At the 60th meeting, on 24 April 1998, the representative of Poland made a statement after the adoption of all resolutions under agenda item 9.

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

302. The Commission considered agenda item 10 and sub-item (a) at its 42nd to 49th meetings, from 14 to 16 April, and at its 56th to 60th meetings, from 21 to 24 April 1998. 1/ Item 10 (b) was considered by the Commission in closed session (see paras. 419-421 below).

303. For the documents issued under agenda item 10, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

304. At the 42nd meeting, on 14 April 1998, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel (E/CN.4/1998/67);

(b) Special Rapporteur on the situation of human rights in Burundi, Mr. Paulo Sérgio Pinheiro (E/CN.4/1998/72). At the 49th meeting, on 16 April 1998, the Special Rapporteur made his concluding remarks.

305. Also at the 42nd meeting, the Special Representative of the Commission on the situation of human rights in Rwanda, Mr. Michel Moussalli, introduced his report (E/CN.4/1998/60).

306. At the 43rd meeting, on 14 April 1998, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik (E/CN.4/1998/71);

(b) Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio (E/CN.4/1998/73 and Add.1).

307. At the same meeting, the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne, introduced his report (E/CN.4/1998/59 and Corr.1).

308. At the 45th meeting, on 15 April 1998, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye (E/CN.4/1998/68 and Corr.1 and Add.1-3);

(b) Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón (E/CN.4/1998/65 and Corr.1). Mr. Garretón also introduced the report of the joint investigative mission established pursuant to paragraph 6 (a) of Commission resolution 1997/58 of 15 April 1997 (E/CN.4/1998/64);

(c) Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth (E/CN.4/1998/69);

(d) Special Rapporteur on the situation of human rights in Nigeria, Mr. Soli Jehangir Sorabjee (E/CN.4/1998/62). At the 48th meeting, on 16 April 1998, the Special Rapporteur made his concluding remarks.

309. At the 46th meeting, on 15 April 1998, the United Nations High Commissioner for Human Rights, Ms. Mary Robinson, introduced her report on the Human Rights Field Operation in Rwanda (E/CN.4/1998/61).

310. At the 48th meeting, on 16 April 1998, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Myanmar, Mr. Rajsoomer Lallah (E/CN.4/1998/70);

(b) Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró (E/CN.4/1998/66).

311. In the general debate on agenda item 10, statements 2/ were made by the following members of the Commission: Argentina (46th), Belarus (46th), Canada (48th), Chile (42nd), China (46th), Congo (48th), Cuba (45th, 48th), Democratic Republic of the Congo (48th), India (48th), Indonesia (48th), Japan (43rd), Nepal (46th), Pakistan (48th), Poland (48th), Russian Federation (48th), Rwanda (42nd, 46th), Sri Lanka (46th), Sudan (48th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (42nd), United States of America (42nd, 45th).

312. The Commission heard statements by the observers for: Afghanistan (43rd), Algeria (48th), Armenia (47th), Australia (48th), Azerbaijan (49th), Bosnia and Herzegovina (49th), Burundi (42nd), Croatia (48th), Cyprus (47th), Democratic People's Republic of Korea (48th), Egypt (43rd), Equatorial Guinea (43rd), Greece (47th), Iran (Islamic Republic of) (43rd, 48th), Iraq (42nd, 43rd), Israel (48th), Kuwait (47th), Lebanon (47th), Myanmar (47th, 48th), New Zealand (43rd), Nicaragua (47th), Norway (47th), Portugal (48th), Saudi Arabia (47th), Singapore (43rd), Syrian Arab Republic (47th), United Republic of Tanzania (49th). The Observer for Switzerland also made a statement (47th).

313. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (43rd), Afro-Asian Peoples' Solidarity Organization (47th), Aliran Kesedaran Negara - National Consciousness Movement (44th), American Association of Jurists (45th), Amnesty International (43rd), Andean Commission of Jurists (46th), Anglican Consultative Council (47th), Arab Lawyers Union (44th), Arab Organization for Human Rights (45th), Article XIX: The International Centre against Censorship (43rd), Asian Buddhists Conference for Peace (45th), Asian Cultural Forum on Development (45th), Association for World Education (43rd), Baha'i International Community (44th), Canadian Council of Churches (44th), Catholic Institute for International Relations (44th), Center for European Studies (47th), Centre Europe-Tiers Monde (43rd), Christian Democrat International (44th), Christian Solidarity International (46th), Commission for the Defense of Human Rights in Central America (47th), Commission of the Churches on International Affairs of the World Council of Churches (46th), European Union of Public Relations (47th), Family Planning Association of Pakistan (47th), Fédération des associations pour la défense et la promotion des droits de l'homme (47th), Federation of Cuban Women (45th), Felix Varela Center (46th), France-Libertés: Fondation Danielle Mitterrand (46th), Franciscans International (43rd), General Arab Women Federation (44th), Human Rights Advocates, Inc. (46th), Human Rights Watch (43rd), Indian Council of Education (46th), Indian Law Resource Centre (46th), Indian Movement "Tupaj Amaru" (46th), International Association against Torture (joint statement with December Twelfth Movement International Secretariat) (46th), International Association for Religious Freedom (45th), International Association for the Defence of Religious Liberty (47th), International Association of Democratic Lawyers (43rd), International Commission of Jurists (45th), International Confederation of Free Trade Unions (44th), International Educational Development, Inc. (47th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (44th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (45th), International Federation of Human Rights Leagues (44th), International Federation of Rural Adult Catholic Movements (47th), International Federation of Women in Legal Careers (43rd), International Fellowship of Reconciliation (44th), International Human Rights Law Group (44th), International Institute for Non-Aligned Studies (46th), International Institute for Peace (46th), International League for Human Rights (44th), International League for the Rights and Liberation of Peoples (46th), International Peace Bureau (44th), International PEN (43rd), International Progress Organization (45th), International Service for Human Rights (47th), International Work Group for Indigenous Affairs (46th), Inter-Parliamentary Union (44th), Latin American Federation of Journalists (43rd), Movement against Racism and for Friendship among Peoples (46th), Movimiento Cubano por la Paz y la Soberanía de los Pueblos (46th), National Union of Jurists of Cuba (46th), North South XXI (46th), Pax Christi International (46th), Pax Romana (44th), Permanent Assembly for Human Rights (46th), Reporters without Borders - International (46th), Robert F. Kennedy Memorial (44th), Service Peace and Justice in Latin America (47th), Society for Threatened Peoples (44th), Transnational Radical Party (47th), Union of Arab Jurists (43rd), World Alliance of Reformed Churches (44th), World Confederation of Labour (47th), World Muslim Congress (47th), World Organization against Torture (43rd), World Society of Victimology (47th), Worldview International Foundation (44th).

314. Statements in exercise of the right of reply or its equivalent were made by the representatives of India (49th), Malaysia (47th), Pakistan (49th) and the Sudan (44th) and by the observers for Algeria (44th, 49th), Bahrain (44th), Belarus (44th), Costa Rica (44th), Cyprus (49th), the Democratic People's Republic of Korea (44th), Egypt (47th), Greece (49th), Iraq (44th, 47th), Jordan (47th), Kenya (47th), Kuwait (47th), Lebanon (49th), Nigeria (47th), the Syrian Arab Republic (49th) and Turkey (49th).

Situation of human rights in the Democratic Republic of the Congo

315. At the 56th meeting, on 21 April 1998, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) introduced draft resolution E/CN.4/1998/L.78, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Luxembourg, Norway and the United States of America subsequently joined the sponsors.

316. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

317. A statement in connection with the draft resolution was made by the representative of the Democratic Republic of the Congo.

318. At the request of the representative of the Democratic Republic of the Congo, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 7, with 18 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Canada, Cape Verde, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Peru, Poland, Republic of Korea, Russian Federation, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: China, Congo, Cuba, Democratic Republic of the Congo, Indonesia, Rwanda, Uganda.

Abstaining: Bangladesh, Bhutan, Botswana, Guinea, India, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Philippines, Senegal, Sri Lanka, Sudan, Tunisia.

319. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/61.

Human rights situation in southern Lebanon and western Bekaa

320. At the 56th meeting, on 21 April 1998, the representative of Tunisia (on behalf of the League of Arab States) introduced draft resolution

E/CN.4/1998/L.80, sponsored by Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, the Democratic Republic of the Congo, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia and Yemen. Pakistan subsequently joined the sponsors.

321. The eighth preambular paragraph of the draft resolution was orally revised by the representative of Tunisia.

322. The representative of the United States of America requested a vote. At the request of the representative of Tunisia, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 52 votes to 1. The voting was as follows:

In favour:	Argentina, Austria, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Canada, Cape Verde, Chile, China, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Guinea, India, Indonesia, Ireland, Italy, Japan, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.
Against:	United States of America.
Abstaining:	None.

323. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/62.

Situation of human rights in Myanmar

324. At the 56th meeting, on 21 April 1998, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) introduced draft resolution E/CN.4/1998/L.81/Rev.1, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Costa Rica subsequently joined the sponsors.

325. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

326. A statement in connection with the draft resolution was made by the Observer for Myanmar.

327. The draft resolution was adopted without a vote.

328. At the 60th meeting, on 24 April 1998, the representative of Japan made a statement in connection with the resolution.

329. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/63.

Situation of human rights in Nigeria

330. At the 56th meeting, on 21 April 1998, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) introduced draft resolution E/CN.4/1998/L.83, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. New Zealand, Norway and the United States of America subsequently joined the sponsors.

331. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

332. A statement in connection with the draft resolution was made by the Observer for Nigeria.

333. Statements in explanation of vote before the vote were made by the representatives of China, Guinea and Uganda.

334. At the request of the representative of Senegal, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 9, with 16 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Canada, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Peru, Poland, Republic of Korea, Russian Federation, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: China, Congo, Cuba, Guinea, Indonesia, Mali, Pakistan, Rwanda, Sudan.

Abstaining: Bangladesh, Bhutan, Botswana, Cape Verde, Democratic Republic of the Congo, India, Madagascar, Malaysia, Mexico, Morocco, Mozambique, Nepal, Philippines, Senegal, Sri Lanka, Tunisia.

335. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/64.

Situation of human rights in Iraq

336. At the 56th meeting, on 21 April 1998, the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) introduced draft resolution E/CN.4/1998/L.85, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Costa Rica and Slovakia subsequently joined the sponsors.

337. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

338. Statements in connection with the draft resolution were made by the representative of the United Kingdom of Great Britain and Northern Ireland and by the observers for Iraq and Kuwait.

339. Statements in explanation of vote before the vote were made by the representatives of the Russian Federation and the Sudan.

340. At the request of the representative of the Russian Federation, a roll-call vote was taken on operative paragraphs 2 (a), 3 (h), 3 (j), 3 (k) and 3 (m) together. The Commission decided, by 28 votes to none, with 24 abstentions, to retain these paragraphs. The voting was as follows:

In favour: Argentina, Austria, Bhutan, Botswana, Brazil, Canada, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Peru, Poland, Republic of Korea, Senegal, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: None.

Abstaining: Bangladesh, Belarus, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Philippines, Russian Federation, Rwanda, Sri Lanka, Sudan, Tunisia, Venezuela.

341. At the request of the representative of the Sudan, a roll-call vote was taken on the draft resolution, which was adopted by 32 votes to none, with 21 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Bhutan, Botswana, Brazil, Canada, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Mexico, Peru, Poland, Republic of Korea, Russian Federation, Senegal, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Morocco, Mozambique, Nepal, Pakistan, Philippines, Rwanda, Sri Lanka, Sudan, Tunisia.

342. At the 60th meeting, on 24 April 1998, the representative of Tunisia made a statement in explanation of vote.

343. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/65.

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

344. At the 56th meeting, on 21 April 1998, the representative of the United States of America introduced draft resolution E/CN.4/1998/L.86, sponsored by Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Romania, Slovenia, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Iran (Islamic Republic of), Ireland, Japan, Morocco, New Zealand, Norway, Portugal, Slovakia, Spain, Sweden and the former Yugoslav Republic of Macedonia subsequently joined the sponsors.

345. The representative of the United States of America orally revised the title of the draft resolution and operative paragraphs 4, 7, 9 (d), 10 (c), 10 (g), 14 (b), 14 (c), 22, 24 (f), 33, 37 and 40 (b), and inserted a new paragraph after operative paragraph 18.

346. A statement in connection with the draft resolution was made by the Observer for Bosnia and Herzegovina.

347. At the request of the representatives of France and the Russian Federation, consideration of the draft resolution was postponed.

348. At the 59th meeting, on 22 April 1998, the representative of the United States of America introduced draft resolution E/CN.4/1998/L.86/Rev.1.

349. Operative paragraph 25 (g) of the draft resolution was orally revised by the representative of the United States of America.

350. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

351. A statement in connection with the draft resolution was made by the Observer for Croatia.

352. Statements in explanation of vote before the vote were made by the representatives of China and the Russian Federation.

353. At the request of the representative of the Russian Federation, a roll-call vote was taken on operative paragraphs 22, 25, 29 (b), 30, 33 and 35 together. The Commission decided, by 35 votes to 2, with 15 abstentions, to retain these paragraphs. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Luxembourg, Malaysia, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Poland, Republic of Korea, Senegal, Sudan, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Belarus, Russian Federation.

Abstaining: Cape Verde, China, Cuba, Democratic Republic of the Congo, Guatemala, Guinea, India, Indonesia, Madagascar, Mali, Mexico, Rwanda, South Africa, Sri Lanka, Tunisia.

354. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 41 votes to none, with 12 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Luxembourg, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Poland, Republic of Korea, Senegal, South Africa, Sudan, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Belarus, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Madagascar, Russian Federation, Rwanda, Sri Lanka.

355. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/79.

Cooperation with representatives of United Nations human rights bodies

356. At the 56th meeting, on 21 April 1998, the Observer for Hungary introduced draft resolution E/CN.4/1998/L.87, sponsored by Argentina, Austria, Brazil, Canada, Chile, Denmark, Haiti, Honduras, Hungary, Ireland, Italy,

Japan, the Netherlands, Norway, Poland, Romania, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Australia, the Dominican Republic and El Salvador subsequently joined the sponsors.

357. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/66.

Situation of human rights in the Sudan

358. At the 56th meeting, on 21 April 1998, the representative of the United States of America introduced draft resolution E/CN.4/1998/L.88, sponsored by Australia, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Norway, Portugal, Romania, Slovakia, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Austria, Ireland, the Netherlands, Poland and Sweden subsequently joined the sponsors.

359. The representative of the United States of America orally revised the draft resolution by inserting a new preambular paragraph after the sixth preambular paragraph and by making changes to operative paragraphs 10 and 11.

360. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

361. A statement in explanation of vote before the vote was made by the representative of the Sudan.

362. At the request of the representative of the Sudan, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 31 votes to 6, with 16 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Botswana, Brazil, Canada, Cape Verde, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Mexico, Peru, Poland, Republic of Korea, Russian Federation, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: China, Cuba, India, Indonesia, Pakistan, Sudan.

Abstaining: Bangladesh, Bhutan, Congo, Democratic Republic of the Congo, Guinea, Madagascar, Malaysia, Mali, Morocco, Mozambique, Nepal, Philippines, Rwanda, Senegal, Sri Lanka, Tunisia.

363. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/67.

Situation of human rights in Cuba

364. At its 56th meeting, on 21 April 1998, the Commission considered draft resolution E/CN.4/1998/L.89.

365. The representative of the United States of America requested that consideration of the draft resolution be postponed.

366. Statements in connection with the draft resolution were made by the representatives of Argentina, Canada, China, Cuba and Mexico.

367. The Commission decided to take action on the draft resolution.

368. The representative of the United States of America introduced draft resolution E/CN.4/1998/L.89, sponsored by Australia, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, El Salvador, Finland, Germany, Hungary, Iceland, Israel, the Netherlands, Nicaragua, Norway, Romania, San Marino, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Japan, Lithuania, Poland, Portugal and Switzerland subsequently joined the sponsors.

369. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

370. Statements in explanation of vote before the vote were made by the representatives of Chile, China, Cuba and Uruguay.

371. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which read as follows:

"Situation of human rights in Cuba

"The Commission on Human Rights,

"Recalling all its past resolutions on this subject, especially resolution 1992/61 and its resolution 1997/62 of 16 April 1997,

"Recalling also General Assembly resolution 52/143 of 12 December 1997 regarding the situation of human rights in Cuba,

"Reaffirming the universality of the obligation that all Member States have to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur on the situation of human rights in Cuba (E/CN.4/1998/69), "Expressing its concern at continued violations of human rights and fundamental freedoms in Cuba, such as freedom of thought, opinion and expression, assembly and association and rights associated with the administration of justice,

"1. Welcomes the recent release of a significant number of political prisoners in Cuba;

"2. Also welcomes the recent increased tolerance granted to religious institutions for their activities and positive steps in the development of religious freedom in Cuba;

"3. Commends the Special Rapporteur for his report and his efforts to carry out his mandate concerning the situation of human rights in Cuba;

"4. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

"5. Expresses particular concern that the Government of Cuba has failed to carry out its obligation to cooperate with the Commission on Human Rights;

"6. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;

"7. Regrets profoundly the numerous violations of human rights and fundamental freedoms described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in that area;

"8. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable human rights instruments, and to end all violations of human rights, including, in particular, the detention and imprisonment as well as harassment of and threats against human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

"9. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied, and to reintegrate them into civil society, permitting them to carry out their peaceful activities;

"10. Calls upon the Government of Cuba to ensure that workers' rights are safeguarded, including through independent and generalized collective-bargaining systems;

"11. Decides to extend the mandate of the Special Rapporteur for one year, and requests him to maintain direct contacts with the Government and citizens of Cuba as mandated in past resolutions of the Commission and requests him also to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session on the result of his endeavours pursuant to the present resolution;

"12. Requests that the existing mechanisms of the Commission on Human Rights continue giving attention to the situation of human rights in Cuba;

"13. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

"14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

"15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of technical cooperation;

"16. Decides to consider this question at its fifty-fifth session under the same agenda item."

372. The draft resolution was rejected by 19 votes to 16, with 18 abstentions. The voting was as follows:

In favour: Argentina, Austria, Canada, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Luxembourg, Poland, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Belarus, Bhutan, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Malaysia, Mali, Mozambique, Pakistan, Russian Federation, Rwanda, South Africa, Sudan, Uganda.

Abstaining: Bangladesh, Botswana, Brazil, Chile, Ecuador, Guatemala, Madagascar, Mexico, Morocco, Nepal, Peru, Philippines, Senegal, Sri Lanka, Tunisia, Ukraine, Uruguay, Venezuela.

373. At the 60th meeting, on 24 April 1998, the representative of Argentina made a statement in explanation of vote.

Extrajudicial, summary or arbitrary executions

374. At the 57th meeting, on 21 April 1998, the Observer for Sweden introduced draft resolution E/CN.4/1998/L.90, sponsored by Argentina,

Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Nepal, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Uganda, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Cape Verde, the Dominican Republic, Georgia, Guinea and Ukraine subsequently joined the sponsors.

375. Operative paragraphs 6, 17 and 22 of the draft resolution were orally revised by the Observer for Sweden.

376. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

377. A statement in explanation of vote before the vote was made by the representative of the United States of America.

378. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/68.

Situation of human rights in Afghanistan

379. At its 57th meeting, on 21 April 1998, the Commission considered draft resolution E/CN.4/1998/L.91, sponsored by Australia, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Liechtenstein, the Netherlands, New Zealand, Portugal, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Belgium, the Czech Republic, Lithuania and Norway subsequently joined the sponsors.

380. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

381. Statements in connection with the draft resolution were made by the representatives of Italy and Pakistan.

382. The representative of Italy, on behalf of the sponsors, orally revised operative paragraph 3 of the draft resolution and requested that consideration of the draft resolution be postponed.

383. The Commission decided to adopt draft resolution E/CN.4/1998/L.91, as orally revised, without a vote, as a resolution proposed by the Chairman.

384. At the 60th meeting, on 24 April 1998, the representative of Pakistan made a statement in connection with the resolution.

385. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/70.

Situation of human rights in the Islamic Republic of Iran

386. At the 57th meeting, on 21 April 1998, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution E/CN.4/1998/L.100, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. San Marino subsequently joined the sponsors.

387. Statements in connection with the draft resolution were made by the representatives of Mexico, Morocco, Pakistan and the United Kingdom of Great Britain and Northern Ireland.

388. The representative of Pakistan introduced proposed amendments to draft resolution E/CN.4/1998/L.100 (E/CN.4/1998/L.105), sponsored by Bangladesh, Indonesia, Iran (Islamic Republic of), Malaysia, Mali, Morocco, Pakistan, Qatar, Senegal and the Sudan. Oman subsequently joined the sponsors.

389. In accordance with rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission decided to postpone consideration of draft resolution E/CN.4/1998/L.100.

390. At its 58th meeting, on 22 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.100 and the proposed amendments thereto (E/CN.4/1998/L.105).

391. A statement in connection with the draft resolution and the proposed amendments thereto was made by the representative of Pakistan.

392. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, consideration of the draft resolution and the proposed amendments thereto was postponed.

393. At its 59th meeting, on 22 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.100 and the proposed amendments thereto (E/CN.4/1998/L.105).

394. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

395. Statements in connection with the draft resolution were made by the representatives of Bangladesh, China, Germany, Indonesia, Pakistan, the Russian Federation, the Sudan and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) and by the Observer for the Islamic Republic of Iran.

396. The representative of Pakistan withdrew the proposed amendments to draft resolution E/CN.4/1998/L.100 (E/CN.4/1998/L.105), which read as follows:

"1. Add the following paragraph as the first operative paragraph of the resolution:

'1. _Commends_ the efforts of the Government of the Islamic Republic of Iran as the host for the Sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region in Tehran;'

"2. Add the following paragraph as the second operative paragraph of the resolution:

'2. _Also commends_ the efforts of the Government of the Islamic Republic of Iran as the host for the Summit of the Organization of the Islamic Conference in Tehran at which three draft resolutions on the promotion of human rights were adopted;'

"3. Amend operative paragraph 2 (a) to read as follows:

'(a) The holding of the seventh presidential elections in the Islamic Republic of Iran in 1997 and the public commitment of the new Government to make further progress concerning human rights and fundamental freedoms;'

"4. Delete operative paragraphs 3 (h) and 4 (g). Insert the following as operative paragraph 1 (c) _bis_:

'(c _bis_) The significant progress made in the situation of women in the Islamic Republic of Iran;'

"5. Delete operative paragraphs 2 (d), 3 (f) and (g) and 4 (f) and replace them with the following as operative paragraph 3 _bis_:

'3 _bis_. _Encourages_ the Government of the Islamic Republic of Iran to build on its efforts in the promotion of freedom of expression by taking appropriate actions against those who attempt to curtail freedom of expression through violence;'

"6. Delete operative paragraphs 3 (a) and (b) and 4 (c) and (k) and replace them with the following as operative paragraph 3 _ter_:

'3 _ter_. _Encourages_ the Government of the Islamic Republic of Iran to take further necessary steps to ensure due process of law and more transparency in the administration of justice;'

"7. Delete operative paragraphs 3 (d) and 4 (d) and replace them with the following as operative paragraph 4 quater:

> '4 quater. Encourages the Government of the Islamic Republic of Iran to continue its cooperation with the mechanisms of the Commission on Human Rights, including the Special Representative;'

"8. Delete operative paragraph 4 (j) and replace it with the following as operative paragraph 4 bis:

> '4 bis. Encourages the Government of the Islamic Republic of Iran to make further efforts in application of the provisions of the International Covenant on Civil and Political Rights with regard to capital punishment;'

"9. Delete operative paragraphs 3 (c), 4 (e) and 5 (c) and replace them with the following as operative paragraph 4 ter:

> '4 ter. Encourages the Government of the Islamic Republic of Iran to take further steps to improve the situation of religious minorities, by giving due consideration to the recommendations of the Special Rapporteur on religious intolerance;'

"10. Delete operative paragraphs 3 (e) and 4 (h) and (i).

"11. Replace the words 'Calls upon' in operative paragraph 4 with the word 'Invites'."

397. At the request of the representative of Pakistan, a roll-call vote was taken on the draft resolution, which was adopted by 23 votes to 14, with 16 abstentions. The voting was as follows:

In favour: Argentina, Austria, Botswana, Brazil, Canada, Chile, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Luxembourg, Peru, Poland, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, Bhutan, China, Congo, Cuba, Guinea, India, Indonesia, Malaysia, Mali, Morocco, Pakistan, Philippines, Sudan.

Abstaining: Belarus, Cape Verde, Democratic Republic of the Congo, Madagascar, Mexico, Mozambique, Nepal, Republic of Korea, Rwanda, Senegal, South Africa, Sri Lanka, Tunisia, Uganda, Ukraine, Uruguay.

398. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/80.

Situation of human rights in Rwanda

399. At the 57th meeting, on 21 April 1998, the representative of Senegal introduced draft resolution E/CN.4/1998/L.101, sponsored by Senegal (on behalf of the Group of African States). Australia, Canada, New Zealand, Switzerland and the United States of America subsequently joined the sponsors.

400. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

401. A statement in connection with the draft resolution was made by the representative of Canada.

402. The draft resolution was adopted without a vote.

403. At the 60th meeting, on 24 April 1998, the representatives of Rwanda and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) made statements in connection with the resolution.

404. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/69.

Situation of human rights in Equatorial Guinea and assistance in the field of human rights

405. At the 57th meeting, on 21 April 1998, the representative of Senegal introduced draft resolution E/CN.4/1998/L.104, sponsored by Senegal (on behalf of the Group of African States). The United States of America subsequently joined the sponsors.

406. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

407. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/71.

Situation of human rights in Burundi

408. At the 60th meeting, on 24 April 1998, the representative of Senegal introduced draft resolution E/CN.4/1998/L.102/Rev.1, sponsored by Senegal (on behalf of the Group of African States).

409. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

410. A statement in connection with the draft resolution was made by the Observer for Burundi.

411. Statements in explanation of vote before the vote were made by the representatives of Canada and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union).

412. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/82.

413. At the same meeting, the representative of Mexico made a statement in explanation of vote before the adoption of all resolutions under agenda item 10.

East Timor

414. On 15 April 1998, the representative of the United Kingdom of Great Britain and Northern Ireland submitted draft resolution E/CN.4/1998/L.82, entitled "Situation of human rights in East Timor", which was sponsored by Angola, Austria, Belgium, Brazil, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mozambique, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Cape Verde, Sao Tome and Principe and the United States of America subsequently joined the sponsors.

415. The draft resolution read as follows:

"Situation of human rights in East Timor

"The Commission on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

"Mindful that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Geneva Conventions of 1949 on the protection of victims of war,

"Recalling its resolution 1997/63 of 16 April 1997, and bearing in mind statements by the Chairman of the Commission on the situation of human rights in East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

"1. Welcomes:

"(a) The report of the Secretary-General (E/CN.4/1998/58) and the work of his personal representative, in particular the establishment of regular dialogue at official level;

"(b) The continuing efforts of the Indonesian National Commission on Human Rights to investigate human rights violations, and stresses the importance of independent monitoring of the situation in East Timor by its office in Dili, East Timor;

"(c) The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

"2. Expresses its deep concern:

"(a) At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention as contained in the reports of the Special Rapporteur on the question of torture (E/CN.4/1998/38), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68 and Corr.1), the Special Rapporteur on violence against women (E/CN.4/1998/54), the Working Group on Arbitrary Detention (E/CN.4/1998/44) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43);

"(b) At the increased violence in East Timor in 1997, particularly at the time of the Indonesian elections;

"(c) At the lack of progress made by the Indonesian authorities towards complying with Commission resolution 1997/63 and their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;

"(d) That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;

"(e) At the continuing policy of migration to East Timor;

"3. Calls upon the Government of Indonesia:

"(a) To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor, inter alia by considering a reduction in the number of military personnel stationed in East Timor;

"(b) To ensure the early release of East Timorese detained or sentenced for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in November 1991;

"(c) To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials in East Timor are conducted in accordance with international standards;

"(d) To cooperate fully with the Commission and its thematic rapporteurs and working groups and to invite those rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on the question of torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;

"(e) To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation to the envisaged memorandum of understanding, and in this regard requests the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;

"(f) To accept the envisaged assignment of a programme officer of the Office of the United Nations High Commissioner for Human Rights to the Jakarta office of the United Nations Development Programme, as follow-up to the commitment undertaken, and to provide that officer with unhindered access to East Timor;

"(g) To provide access to East Timor for human rights organizations and the international media;

"4. Decides:

"(a) To consider the situation in East Timor at its fifty-fifth session under the same agenda item on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General;

"(b) To encourage the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations."

416. At the 60th meeting, on 24 April 1998, the Chairman informed the Commission that draft resolution E/CN.4/1998/L.82 had been replaced by a Chairman's statement, which he made on behalf of the Commission. The statement read as follows:

"The Commission on Human Rights discussed the human rights situation in East Timor.

"The Commission continues to follow with deep concern the reports on violations of human rights in East Timor.

"The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in Chairman's statements on the matter at previous sessions. The Commission stresses the need for their implementation, including concrete steps on the early trial and release of East Timorese detained or convicted, and for those in custody to be treated humanely. The Commission reiterates the need for further clarification of the circumstances surrounding the Dili incident of 1991.

"The Commission welcomes the advanced progress towards concluding the Memorandum of Understanding between the Government of Indonesia and the Office of the United Nations High Commissioner for Human Rights on technical cooperation and agreement on the early assignment of a programme officer to implement the technical cooperation programme. In this regard, the Commission notes the understanding between the Government of Indonesia and the High Commissioner for Human Rights concerning access by the programme officer to East Timor, within the framework of technical cooperation.

"The Commission welcomes the efforts of the Indonesian National Commission on Human Rights to promote and protect human rights and undertake fact-finding inquiries into human rights violations, including through its office in Dili. The Commission on Human Rights notes the commitment by the Government of Indonesia to continue to allow greater access to East Timor by the international media and international humanitarian organizations.

"The Commission welcomes the intention of the Government of Indonesia to continue to cooperate with the Commission on Human Rights and its mechanisms, and, in particular, the Government's decision to invite the Working Group on Arbitrary Detention to visit East Timor in advance of the fifty-fifth session of the Commission.

"The Commission notes with interest the decision by the Government of Indonesia to launch a National Plan of Action on human rights in 1998 and, in that context, the Government's intention to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

"The Commission welcomes the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor. In this context, the Commission stresses the need for constructive actions in order to promote a favourable atmosphere for further progress towards a solution. The Commission welcomes the report of the Secretary-General, the work of his Special Representative, in particular the establishment of regular dialogue at senior official level, and the continuing all-inclusive intra-East Timorese dialogue.

"The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider the matter at its fifty-fifth session."

(a) Question of human rights in Cyprus

417. At the 57th meeting, on 21 April 1998, the Chairman submitted a draft decision on the question of human rights in Cyprus.

418. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/109.

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

419. The Commission considered agenda item 10 (b) in closed session at its 36th and 37th meetings, on 8 April 1998. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Chad, the Gambia, Japan, Kyrgyzstan, Paraguay, Peru, Saudi Arabia, Sierra Leone and Yemen, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situations in Japan, Kyrgyzstan, Paraguay, Peru, Saudi Arabia and Yemen.

420. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

421. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman would designate five members of the Commission to serve in their personal capacity on the Working Group on Situations to meet prior to the fifty-fifth session of the Commission in 1999.

XI. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

422. The Commission considered agenda item 11 concurrently with items 16 and 18 (see chaps. XVI and XVIII) at its 21st to 24th meetings, from 27 to 31 March, and at its 38th meeting, on 9 April 1998. 1/

423. For the documents issued under agenda item 11, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

424. At the 22nd meeting, on 30 March 1998, the Chairman-Rapporteur of the working group of intergovernmental experts on the human rights of migrants, Mr. Jorge A. Bustamante, introduced the report of the working group on its first and second sessions (E/CN.4/1998/76).

425. In the general debate on agenda item 11, statements 2/ were made by the following members of the Commission: Bangladesh (22nd), Cape Verde (21st), Czech Republic (22nd), Ecuador (22nd), El Salvador (24th), Guatemala (24th), Mexico (22nd), Morocco (23rd), Pakistan (24th), Philippines (23rd), Republic of Korea (22nd), Ukraine (23rd).

426. The Commission heard statements by the Observers for: Costa Rica (21st), Egypt (22nd), Ethiopia (23rd), Turkey (22nd).

427. Statements were also made by the Observers for the International Labour Organization (22nd) and the International Organization for Migration (24th).

428. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (24th), Centre Europe-Tiers Monde (21st), Commission of the Churches on International Affairs of the World Council of Churches (joint statement with Conference of European Churches, Lutheran World Federation, World Alliance of Reformed Churches) (21st), Human Rights Advocates, Inc. (21st), International Indian Treaty Council (21st), Movement against Racism and for Friendship among Peoples (23rd), Women's International League for Peace and Freedom (23rd).

429. At its 38th meeting, on 9 April 1998, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

430. The representative of Mexico introduced draft resolution E/CN.4/1998/L.27, sponsored by Argentina, Chile, Ecuador, El Salvador, Ethiopia, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Peru, the Philippines, Sri Lanka, Tunisia and Turkey. Bangladesh, Cape Verde, Cuba and Portugal subsequently joined the sponsors.

431. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/15.

Migrants and human rights

432. The representative of Mexico introduced draft resolution E/CN.4/1998/L.28, sponsored by Algeria, Angola, Argentina, Bangladesh, Bolivia, Brazil, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Ireland, Italy, Jamaica, Mexico, Morocco, Mozambique, Nicaragua, Pakistan, Panama, Paraguay, Peru, the Philippines, Portugal, Senegal, Sri Lanka, Trinidad and Tobago, Tunisia, Turkey and Uganda. Ghana, Pakistan, Senegal and Uruguay subsequently joined the sponsors.

433. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

434. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/16.

Violence against women migrant workers

435. The representative of the Philippines introduced draft resolution E/CN.4/1998/L.30, sponsored by Bangladesh, Belgium, Cape Verde, Chile, Côte d'Ivoire, El Salvador, Indonesia, Iraq, Ireland, Madagascar, Mexico, Morocco, Nepal, Nicaragua, Pakistan, Peru, the Philippines, Portugal, South Africa and Sri Lanka. Argentina and Ecuador subsequently joined the sponsors.

436. Operative paragraph 2 of the draft resolution was orally revised by the representative of the Philippines.

437. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/17.

XII. RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

438. The Commission considered agenda item 12 at its 10th to 12th meetings, on 20 and 23 March, at its 51st meeting, on 17 April, and at its 56th meeting, on 21 April 1998. 1/

439. For the documents issued under agenda item 12, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

440. At the 10th meeting, on 20 March 1998, Mr. Ivan Garvalov, a member of the Committee on the Elimination of Racial Discrimination, made a statement.

441. At the 11th meeting, on 23 March 1998, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo, introduced his report (E/CN.4/1998/79). At the 12th meeting, also on 23 March 1998, the Special Rapporteur made his concluding remarks.

442. In the general debate on agenda item 12, statements 2/ were made by the following members of the Commission: Argentina (11th), Bangladesh (11th), Brazil (10th), China (10th), Cuba (11th), Czech Republic (11th), Guatemala (11th), Madagascar (11th), Pakistan (11th), Philippines (11th), Russian Federation (11th), Senegal (11th), Sudan (11th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (10th), United States of America (12th).

443. The Commission heard statements by the Observers for: Egypt (10th), Iran (Islamic Republic of) (12th), Israel (12th), Libyan Arab Jamahiriya (12th), Turkey (12th).

444. A statement was also made by the Observer for the Order of Malta (10th).

445. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), African Commission of Health and Human Rights Promoters (11th), All India Women's Conference (joint statement with Movement against Racism and for Friendship among Peoples, Women's International League for Peace and Freedom, World Federation of Democratic Youth, World Peace Council) (12th), American Association of Jurists (12th), Association for World Education (11th), December Twelfth Movement International Secretariat (12th), European Union of Public Relations (12th), International Association against Torture (12th), International Council of Jewish Women (11th), International Educational Development, Inc. (12th), International Institute for Non-Aligned Studies (11th), International Movement against All Forms of Discrimination and Racism (11th), International Progress Organization (12th), Movement against Racism and for Friendship among Peoples (12th), Transnational Radical Party (11th), Women's International League for Peace and Freedom (11th), World Federation for Mental Health (12th), World Federation of Democratic Youth (11th), World Jewish Congress (11th).

446. A statement in exercise of the equivalent of the right of reply was made by the Observer for Mauritania (12th).

Racism, racial discrimination, xenophobia and related intolerance

447. At the 51st meeting, on 17 April 1998, the representative of Senegal introduced draft resolution E/CN.4/1998/L.37, sponsored by China, Cuba, Mexico, Senegal (on behalf of the Group of African States) and Turkey. Bangladesh, Brazil, Chile, El Salvador, France, Germany, Greece, India, Iraq, Israel, Italy and Uruguay subsequently joined the sponsors.

448. Operative paragraph 50 of the draft resolution was orally revised by the representative of Senegal.

449. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1998/L.37 was issued in document E/CN.4/1998/L.98.

450. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/26.

Recognition of slavery and the slave trade as a crime against humanity

451. At its 56th meeting, on 21 April 1998, the Commission decided to postpone consideration of draft resolution E/CN.4/1998/L.36/Rev.1, sponsored by Cuba, Israel and Senegal (on behalf of the Group of African States), subsequently joined by Yemen, to maintain contact and to continue consultations in order to reach a consensus. The draft resolution read as follows:

"Recognition of slavery and the slave trade
as a crime against humanity

"The Commission on Human Rights,

"Considering the provisions of the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956,

"Bearing in mind article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

"Concerned by the gross violation of human rights and crimes committed against the African peoples on the continent and in the diaspora as a result of slavery and the slave trade, particularly the trans-Atlantic slave trade, "_Taking into account_ the long years of exploitation of Africa through the trans-Atlantic slave trade for the benefit of international commerce, especially in Europe and America,

"_Conscious_ of the long-term socio-economic, cultural and political impact of the long years of slavery and the slave trade,

"_Noting_ that the slave trade, particularly the trans-Atlantic slave trade, strongly contributed to the scourge of racism and reinforced and entrenched racial prejudices and other related intolerance which continue to haunt the international community today,

"_Recognizing_ that, while slavery has occurred throughout history in various parts of the world, the trans-Atlantic slave trade was particularly horrendous and flagrant in its magnitude, large-scale commercial nature and effect on the African peoples,

"_Welcoming_ the fact that other peoples who were subjected to lesser or similar scourges and injustices have received apologies, compensation and reparations,

"_Mindful_ of the moral obligation to remember the injustices arising from slavery and the slave trade, especially the trans-Atlantic slave trade, as a gross violation of human rights,

"_Convinced_ that African peoples on the continent and in the diaspora deserve apologies for the injustices committed against them through centuries of slavery and the slave trade,

"_Convinced also_ that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights provides an auspicious occasion for the international community to consider this matter,

"1. _Recognizes_ the fact that slavery and the slave trade constitute a gross and flagrant violation of human rights against the African peoples and a crime against humanity;

"2. _Welcomes_ the Slave Route Project started by the United Nations Educational, Scientific and Cultural Organization as outlined in resolution 29 C/5 adopted by the General Conference of the organization in November 1997;

"3. _Calls upon_ the United Nations Educational, Scientific and Cultural Organization to address, in the context of its Slave Route Project, the question of slavery and the slave trade, giving urgent priority to and placing particular emphasis on the examination of the extent of the injustices occasioned by slavery and the slave trade, notably the trans-Atlantic slave trade, and, in this regard, focusing particular attention on the modalities of slavery and the slave trade, clarifying the short- and long-term consequences for the African peoples on the continent and in the diaspora and clearly establishing the benefits accrued by those who were involved, as well as the extent of injury of the victims of slavery and the slave trade;

"4. Requests the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to establish a close liaison with those involved in the research programme of the United Nations Educational, Scientific and Cultural Organization and to report on the progress of the research to the Commission at its fifty-fifth session, providing an in-depth assessment of and recommendations on the findings of the United Nations Educational, Scientific and Cultural Organization on the subject from a human rights perspective and advising on how the findings can be utilized to facilitate the bridging of the racial divide spawned by slavery and the slave trade, leading to the realization of a culture of tolerance and peaceful coexistence between races and peoples;

"5. Calls upon all States as well as relevant international organizations and bodies to provide maximum cooperation to the researchers of the United Nations Educational, Scientific and Cultural Organization and the Special Rapporteur in carrying out their duties, and upon the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur is provided with all the resources he may require, as a matter of priority, for the expeditious discharge of his mandate;

"6. Requests those who, directly or indirectly, by commission or omission, participated, permitted, facilitated or tolerated slavery and the slave trade, in particular the trans-Atlantic slave trade, to consider apologizing to the African peoples concerned as a first step in the process of healing the wounds arising from slavery and the slave trade;

"7. Decides to remain seized of this matter at its fifty-fifth session under the same agenda item."

XIII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

452. The Commission considered agenda item 13 concurrently with item 14 (see chap. XIV) at its 12th and 13th meetings, on 23 and 24 March, and at its 31st meeting, on 3 April 1998. 1/

453. For the documents issued under agenda item 13, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

454. In the general debate on agenda item 13, statements 2/ were made by the following members of the Commission: Argentina (13th), Brazil (13th), China (13th), India (13th), Ireland (12th), Italy (12th), Republic of Korea (13th), Russian Federation (13th), Uruguay (13th).

455. The Commission heard statements by the Observers for: Armenia (13th), Estonia (12th), Norway (12th), Romania (13th), Singapore (13th), Swaziland (13th). The Observer for Switzerland also made a statement (13th).

456. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (13th), American Association of Jurists (12th), Amnesty International (12th), Asian Cultural Forum on Development (12th), Himalayan Research and Cultural Foundation (13th), Human Rights Advocates, Inc. (13th), International League for the Rights and Liberation of Peoples (12th), Transnational Radical Party (12th), World Muslim Congress (13th).

457. At its 31st meeting, on 3 April 1998, the Commission took up consideration of the draft resolutions submitted under agenda item 13.

Question of the death penalty

458. The representative of Italy introduced draft resolution E/CN.4/1998/L.12, sponsored by Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Andorra, Angola, Canada and Israel subsequently joined the sponsors.

459. A statement in connection with the draft resolution was made by the representative of China.

460. Statements in explanation of vote before the vote were made by the representatives of Bhutan, Madagascar, Pakistan, the Philippines, Tunisia and the United States of America.

461. The representative of the United States of America requested a vote. At the request of the representative of Italy, a roll-call vote was taken on the draft resolution, which was adopted by 26 votes to 13, with 12 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Canada, Cape Verde, Chile, Congo, Czech Republic, Denmark, Ecuador, France, Germany, Ireland, Italy, Luxembourg, Mexico, Nepal, Peru, Poland, Russian Federation, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: Bangladesh, Bhutan, Botswana, China, Democratic Republic of the Congo, Indonesia, Japan, Malaysia, Pakistan, Republic of Korea, Rwanda, Sudan, United States of America.

Abstaining: Cuba, El Salvador, Guatemala, Guinea, India, Madagascar, Morocco, Philippines, Senegal, Sri Lanka, Tunisia, Uganda.

462. A statement in explanation of vote after the vote was made by the representative of Bangladesh.

463. The delegation of Mozambique later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

464. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/8.

Status of the International Covenants on Human Rights

465. The Observer for Norway introduced draft resolution E/CN.4/1998/L.13, sponsored by Argentina, Australia, Austria, Belarus, Canada, Chile, Croatia, the Czech Republic, Denmark, El Salvador, Finland, Germany, Hungary, Iceland, Ireland, Italy, New Zealand, Nicaragua, Norway, Poland, the Republic of Korea, Senegal, Slovakia, South Africa, Sweden, Switzerland and Venezuela. Andorra, Bulgaria, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, France, Guatemala, Madagascar, the Netherlands, Portugal, Romania, the Russian Federation, Spain, Ukraine and Uruguay subsequently joined the sponsors.

466. Operative paragraph 11 of the draft resolution was orally revised by the Observer for Norway.

467. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/9.

Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

468. The Observer for Armenia introduced draft resolution E/CN.4/1998/L.14, sponsored by Armenia, Australia, Austria, Belarus, Croatia, Cyprus, the Czech Republic, France, Germany, Greece, India, Ireland, Italy, Latvia, Luxembourg, Mexico, Nepal, Poland, Romania, the Russian Federation, Rwanda, Slovakia, Slovenia, Spain, Uganda and the United States of America. Albania, Angola, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Cuba, the Dominican Republic, El Salvador, Georgia, Israel, Malaysia, the Netherlands, New Zealand and Portugal subsequently joined the sponsors.

469. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/10.

XIV. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

470. The Commission considered agenda item 14 concurrently with item 13 (see chap. XIII) at its 12th and 13th meetings, on 23 and 24 March, at its 15th meeting, on 25 March, at its 31st meeting, on 3 April, and at its 51st meeting, on 17 April 1998. 1/

471. For the documents issued under agenda item 14, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

472. At the 15th meeting, on 25 March 1998, a statement was made by Mr. Philip Alston, Chairman of the eighth and ninth meetings of the Chairpersons of the human rights treaty bodies.

473. In the general debate on agenda item 14, statements 2/ were made by the following members of the Commission: Austria (13th), Brazil (13th), China (13h), Cuba (13th), India (13th), Poland (13th), Republic of Korea (13th), Russian Federation (13th).

474. The Commission heard statements by the Observers for: Australia (also on behalf of Canada, New Zealand) (13th), Norway (12th), Romania (13th).

475. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (13th), Asian Cultural Forum on Development (12th), Association for World Education (joint statement with African Association of Education for Development, Associated Country Women of the World, Association of World Citizens, Christian Solidarity International, Coalition against Trafficking in Women, Coordinating Board of Jewish Organizations, Education International, General Conference of the Seventh-Day Adventists, International Alliance of Women-Equal Rights, Equal Responsibilities, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Council of Jewish Women, International Council of Women, International Federation of Resistance Movements, International Federation of University Women, International Movement against All Forms of Discrimination and Racism, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights, Lutheran World Federation, Movement against Racism and for Friendship among Peoples, Pan Pacific and South East Asia Women's Association, Socialist International Women, Soroptimist International, Women's International League for Peace and Freedom, World Alliance of Young Men's Christian Associations, World Association of Girl Guides and Girl Scouts, World Federation for Mental Health, World Federation of Methodist and Uniting Church Women, World Federation of Trade Unions, World Jewish Congress, World Union for Progressive Judaism, World Vision International, World Young Women's Christian Association, Zonta International) (12th), European Union of Public Relations (13th), World Jewish Congress (13th), World Muslim Congress (13th).

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

476. At the 31st meeting, on 3 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.15, sponsored by Australia, Austria, Canada, Finland, New Zealand, Norway, Romania and Spain. Andorra, Angola, Argentina, Chile, Denmark, El Salvador, France, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, the Netherlands, Poland, Portugal, the Republic of Korea, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

477. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

478. At the request of the representatives of Canada and Cuba, consideration of the draft resolution was postponed.

479. At its 51st meeting, on 17 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.15.

480. Operative paragraph 14 of the draft resolution was orally revised by the representative of Canada.

481. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/27.

XV. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

482. The Commission considered agenda item 15 at its 24th to 26th meetings, on 31 March and 1 April, at its 51st meeting, on 17 April, and at its 56th meeting, on 21 April 1998. 1/

483. For the documents issued under agenda item 15, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

484. At the 24th meeting, on 31 March 1998, the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-ninth session, Mr. José Bengoa, introduced his report (E/CN.4/1998/88). At the 26th meeting, on 1 April 1998, the Chairman of the Sub-Commission made his concluding remarks.

485. At the 25th and 26th meetings, on 31 March and 1 April 1998, the Special Rapporteur on disability of the Commission for Social Development, Mr. Bengt Lindqvist, made statements.

486. In the general debate on agenda item 15, statements 2/ were made by the following members of the Commission: Brazil (26th), China (26th), Congo (26th), Denmark (25th), Guatemala (26th), India (25th), Ireland (25th), Pakistan (26th), Philippines (26th), Poland (25th), South Africa (25th), Ukraine (26th).

487. The Commission heard statements by the Observers for: Libyan Arab Jamahiriya (25th), Norway (on behalf of the Nordic countries) (26th), Sweden (25th). The Observer for Switzerland also made a statement (26th).

488. Statements were also made by the Observers for the International Committee of the Red Cross (26th) and the World Health Organization (26th).

489. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (25th), American Association of Jurists (25th), Coalition against Trafficking in Women (25th), European Union of Public Relations (26th), Inclusion International (26th), International Association for Religious Freedom (25th), International Indian Treaty Council (26th), International Movement against All Forms of Discrimination and Racism (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (26th), North South XXI (25th), World Blind Union (26th), World Federation for Mental Health (26th), World Movement of Mothers (25th), World Muslim Congress (26th).

Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

490. At the 51st meeting, on 17 April 1998, the representative of Germany introduced draft resolution E/CN.4/1998/L.45, sponsored by Bulgaria, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, the Netherlands, New Zealand, Norway, Peru, Portugal, Slovenia, Spain, the United Kingdom of Great Britain and Northern Ireland

and the United States of America. Angola, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Canada, Cape Verde, Cyprus, the Dominican Republic, El Salvador, Estonia, India, Romania, the Russian Federation, Slovakia, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay subsequently joined the sponsors.

491. The draft resolution was adopted without a vote.

492. The representative of Uruguay made a statement in connection with the resolution after its adoption.

493. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/28.

494. In view of the adoption of resolution 1998/28, the Commission took no action on the draft resolution recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

Human rights and scientific and technological developments

495. At the 51st meeting, on 17 April 1998, the Observer for the Netherlands introduced draft decision E/CN.4/1998/L.46, sponsored by Denmark, Germany and the Netherlands. Canada, Japan and Portugal subsequently joined the sponsors.

496. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/104.

497. In view of the adoption of decision 1998/104, the Commission took no action on draft decision 10 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

Question of human rights and states of emergency

498. At the 51st meeting, on 17 April 1998, the Observer for the Netherlands introduced draft decision E/CN.4/1998/L.47, sponsored by Denmark, Germany and the Netherlands. Canada, Poland, Portugal and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

499. A statement in connection with the draft decision was made by the representative of India.

500. At the request of the representative of India and the Observer for the Netherlands, consideration of the draft decision was postponed.

501. At its 56th meeting, on 21 April 1998, the Commission resumed consideration of draft decision E/CN.4/1998/L.47.

502. The operative part of the draft decision was orally revised by the Observer for the Netherlands.

503. The draft decision, as orally revised, was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/108.

504. In view of the adoption of decision 1998/108, the Commission took no action on draft decision 6 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

Study concerning the right to freedom of movement

505. At the 51st meeting, on 17 April 1998, the Observer for the Netherlands introduced draft decision E/CN.4/1998/L.48, sponsored by Denmark, Germany and the Netherlands. Canada, Japan and Portugal subsequently joined the sponsors.

506. The operative part of the draft decision was orally revised by the Observer for the Netherlands.

507. The draft decision, as orally revised, was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/105.

508. In view of the adoption of decision 1998/105, the Commission took no action on draft decision 8 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

Minimum humanitarian standards

509. At the 51st meeting, on 17 April 1998, the Observer for Norway introduced draft resolution E/CN.4/1998/L.50, sponsored by Argentina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Liechtenstein, Madagascar, Mexico, Nicaragua, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Ukraine and Uruguay. Austria subsequently joined the sponsors.

510. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/29.

Traffic in women and girls

511. At the 51st meeting, on 17 April 1998, the representative of the Philippines introduced draft resolution E/CN.4/1998/L.57, sponsored by Argentina, Belgium, Bhutan, Chile, Colombia, Cyprus, the Czech Republic, Denmark, Egypt, El Salvador, Finland, France, Germany, Indonesia, Iraq, Ireland, Italy, Malaysia, Mexico, Morocco, Myanmar, Nicaragua, Norway, Pakistan, Peru, the Philippines, Portugal, the Republic of Korea, South Africa, Sri Lanka, Sweden, Togo and Uruguay. Angola, Bangladesh, Costa Rica, the Dominican Republic, Guatemala, Greece, Nepal, Nigeria, Spain, Thailand and the former Yugoslav Republic of Macedonia subsequently joined the sponsors.

512. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/30.

Human rights of persons with disabilities

513. At the 51st meeting, on 17 April 1998, the representative of Ireland introduced draft resolution E/CN.4/1998/L.59, sponsored by Afghanistan, Argentina, Austria, Botswana, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Croatia, the Czech Republic, Denmark, El Salvador, Finland, Greece, Guatemala, Guinea, Hungary, Iceland, Ireland, Israel, Italy, Japan, the Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Morocco, Nepal, Peru, the Philippines, Portugal, Romania, Rwanda, Senegal, South Africa, Spain, Sweden, Uganda, Uruguay and Venezuela. Algeria, Angola, Australia, Belgium, the Dominican Republic, Ecuador, Germany, Malta, the Netherlands, Norway, Poland, the Sudan, Togo and Tunisia subsequently joined the sponsors.

514. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/31.

Privatization of prisons

515. At the 51st meeting, on 17 April 1998, the representative of the United States of America introduced draft resolution E/CN.4/1998/L.79, sponsored by the Netherlands and the United States of America. Japan subsequently joined the sponsors.

516. Statements in connection with the draft resolution were made by the representatives of Cuba and the United States of America.

517. The draft resolution was adopted without a vote.

518. The representative of the United States of America made a statement in connection with the resolution after its adoption.

519. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/32.

520. In view of the adoption of resolution 1998/32, the Commission took no action on draft decision 5 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

XVI. RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

521. The Commission considered agenda item 16 concurrently with items 11 and 18 (see chaps. XI and XVIII) at its 21st to 24th meetings, from 27 to 31 March, and at its 38th to 40th meetings, on 9 April 1998. 1/

522. For the documents issued under agenda item 16, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

523. In the general debate on agenda item 16, statements 2/ were made by the following members of the Commission: Austria (24th), Bangladesh (24th), China (24th), India (22nd), Pakistan (24th), Poland (22nd), Republic of Korea (22nd), Russian Federation (22nd), Sri Lanka (22nd), Sudan (24th), Ukraine (23rd).

524. The Commission heard statements by the observers for: Cameroon (24th), Ethiopia (23rd), Finland (22nd), Hungary (22nd), Iran (Islamic Republic of) (24th), Latvia (24th), Lithuania (24th), Norway (22nd), Romania (23rd), Slovakia (23rd). The Observer for Switzerland also made a statement (22nd).

525. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (24th), Afro-Asian Peoples' Solidarity Organization (24th), Aliran Kesedaran Negara National Consciousness Movement (21st), American Association of Jurists (21st), Asian Buddhists Conference for Peace (23rd), European Union of Public Relations (23rd), Franciscans International (23rd), Fraternité Notre Dame, Inc. (22nd), Himalayan Research and Cultural Foundation (22nd), International Educational Development, Inc. (21st), International Federation of Free Journalists (24th), International Human Rights Association of American Minorities (joint statement with World Society of Victimology) (24th), International Institute for Non-Aligned Studies (23rd), International Peace Bureau (23rd), International Progress Organization (24th), Latin American Federation of Associations of Relatives of Disappeared Detainees (24th), Minority Rights Group (22nd), Pax Romana (21st), Society for Threatened Peoples (23rd), Transnational Radical Party (23rd), World Muslim Congress (24th).

526. Statements in exercise of the right of reply or its equivalent were made by the representative of Pakistan (24th) and by the Observer for the former Yugoslav Republic of Macedonia (24th).

Situation of human rights in Latvia

527. At the 38th meeting, on 9 April 1998, the representative of the Russian Federation withdrew draft resolution E/CN.4/1998/L.32, sponsored by the Russian Federation. The draft resolution read as follows:

Best copy available

"Situation of human rights in Latvia

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and other international instruments,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms for all and to fulfil the obligations they have undertaken under the various international instruments in this field,

"Expressing its concern at the outstanding problems of the vast majority of the population of non-Latvian origin permanently residing in Latvia that give rise to violations of human rights of individuals belonging to national minorities,

"Concerned about the continuing slow rate of naturalization of permanent residents belonging to national minorities and the low numbers of applications for citizenship,

"Expressing its particular concern at the incident in Riga on 3 March 1998, accompanied by acts of violent suppression of peaceful expression of views,

"1. Calls upon the Government of Latvia to intensify its efforts at resolving concerns pertaining to national minorities;

"2. Urges the Government of Latvia to simplify radically the process of naturalization and urges it in particular to grant citizenship to all children born in Latvia;

"3. Encourages the Government of Latvia to continue its efforts to implement the comprehensive Latvian language training programme aimed at strengthening the capacity to teach the Russian-speaking population;

"4. Calls upon the United Nations High Commissioner for Human Rights to keep a dialogue with the Government of Latvia in order to obtain substantial progress in the promotion of human rights and fundamental freedoms for all residents, irrespective of their origin, and to inform the Commission thereon;

"5. Calls upon the Government of Latvia to implement all the recommendations of international missions and mechanisms concerning the improvement of the human rights situation in Latvia;

"6. Decides to consider this matter at its fifty-fifth session."

528. At the 40th meeting, on 9 April 1998, a statement in connection with the draft resolution was made by the representative of Poland.

Rights of persons belonging to national or ethnic, religious and linguistic minorities

529. At the 38th meeting, on 9 April 1998, the representative of Austria introduced draft resolution E/CN.4/1998/L.33, sponsored by Argentina, Australia, Austria, Bosnia and Herzegovina, Chile, Croatia, the Czech Republic, Denmark, Estonia, Ethiopia, Finland, Guatemala, Hungary, Iceland, India, Ireland, Italy, Liechtenstein, Lithuania, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Afghanistan, Andorra, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Costa Rica, Ecuador, Madagascar, the Netherlands, Sweden and Uruguay subsequently joined the sponsors.

530. Operative paragraphs 3 to 5 of the draft resolution were orally revised by the representative of Austria.

531. A statement in connection with the draft resolution was made by the representative of Bangladesh.

532. At the request of the representatives of Austria and Bangladesh, consideration of the draft resolution was postponed.

533. At its 39th meeting, on 9 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.33.

534. Statements in connection with the draft resolution were made by the representatives of Austria and Bangladesh.

535. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

536. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/19.

537. In view of the adoption of resolution 1998/19, the Commission took no action on draft decision 4 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

538. At its 38th meeting, on 9 April 1998, the Commission decided to postpone consideration of draft resolution E/CN.4/1998/L.25.

539. At the 39th meeting, on 9 April 1998, the representative of India introduced draft resolution E/CN.4/1998/L.25, sponsored by Afghanistan, Argentina, Australia, Austria, Bangladesh, Belarus, Bhutan, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Croatia, Cyprus, the Czech Republic,

Denmark, El Salvador, Finland, France, Germany, Greece, Guatemala, India, Ireland, Italy, Japan, Mexico, the Netherlands, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, South Africa, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Algeria, Armenia, Belgium, the Congo, Costa Rica, Ethiopia, Indonesia, Israel, Luxembourg, Madagascar, Malaysia, Mauritius, Nepal, the Republic of Korea, Slovenia, Sri Lanka, Thailand, Ukraine and Uruguay subsequently joined the sponsors.

540. The representative of Pakistan introduced proposed amendments to draft resolution E/CN.4/1998/L.25 (E/CN.4/1998/L.38), sponsored by Pakistan.

541. A statement in connection with the proposed amendments was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

542. At the request of the representatives of Brazil, Malaysia and Mexico, consideration of the draft resolution was postponed.

543. At its 40th meeting, on 9 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.25 and the proposed amendments thereto (E/CN.4/1998/L.38).

544. The first and fourth preambular paragraphs and operative paragraph 2 (b) of the draft resolution were orally revised by the representative of India.

545. The representative of Pakistan withdrew the proposed amendments to draft resolution E/CN.4/1998/L.25 (E/CN.4/1998/L.38), which read as follows:

> "1. In the first preambular paragraph, delete Preamble to the After peace add , pacific settlement of disputes
>
> "2. Add the following preambular paragraph after the first preambular paragraph:
>
> > 'Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person and emphasizing the responsibility of all States to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,'
>
> "3. Add the following preambular paragraph after the third preambular paragraph:
>
> > 'Convinced that tolerance - the recognition and appreciation of others, the ability to live together with and to listen to others - is the sound foundation of any civil society and of peace,'
>
> "4. At the end of the fourth preambular paragraph, after individuals add and groups, regardless of caste, colour, creed and religion

"5. Add the following preambular paragraph after the sixth preambular paragraph:

> '*Recognizing* the need to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including desecration of religious sites,'

"6. Replace the seventh preambular paragraph by the following:

> '*Noting* that in this multi-ethnic, multi-religious and multicultural world, tolerance towards different faiths, cultures and practices can ensure peace and cooperation,'

"7. Add the following preambular paragraph after the tenth preambular paragraph:

> '*Recognizing also* the need to oppose all ideologies based on the belief of racial, ethnic, religious, cultural, national, gender or other superiority in order to promote tolerance and pluralism at the national and international levels,'

"8. Add the following operative paragraph 1 *bis*:

> '1 *bis*. *Also condemns* all practices of social stratification and division based on race, descent or religious belief;'

"9. In operative paragraph 5, *delete* working at the grass-roots level"

546. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/21.

XVII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

547. The Commission considered agenda item 17 concurrently with item 9 (see chap. IX) at its 32nd to 35th meetings, on 6 and 8 April, at its 39th to 41st meetings, on 9 April, at its 43rd and 44th meetings, on 14 April, and at its 52nd meeting, on 17 April 1998. 1/

548. For the documents issued under agenda item 17, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

549. At the 32nd meeting, on 6 April 1998, statements were made by:

(a) Mr. Adama Dieng, independent expert on the situation of human rights in Haiti, in introduction of his report (A/52/499; see also E/CN.4/1998/97);

(b) Mr. Thomas Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia, in introduction of his report (E/CN.4/1998/95).

550. At the 33rd meeting, on 6 April 1998, a statement was made by Mr. Diego García-Sayán, a member of the Secretary-General's mission to Guatemala, in introduction of the mission's report (E/CN.4/1998/93).

551. At the 34th meeting, on 6 April 1998, statements were made by:

(a) Ms. Leila I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(b) Ms. Mona Rishmawi, independent expert on the situation of human rights in Somalia, in introduction of her report (E/CN.4/1998/96).

552. In the general debate on agenda item 17, statements 2/ were made by the following members of the Commission: El Salvador (35th), Guatemala (33rd), India (34th), Italy (35th), Japan (34th), Madagascar (35th), Peru (34th), Russian Federation (35th), South Africa (34th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (35th).

553. The Commission heard statements by the observers for: Australia (40th), Haiti (40th), Lithuania (40th), the former Yugoslav Republic of Macedonia (40th), Togo (40th).

554. A statement was also made by the Observer for the International Committee of the Red Cross (40th).

555. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (40th), International Human

Rights Law Group (41st), International Indian Treaty Council (41st), Latin American Federation of Associations of Relatives of Disappeared Detainees (41st).

Assistance to Guatemala in the field of human rights

556. At the 43rd meeting, on 14 April 1998, the representative of Ecuador introduced draft resolution E/CN.4/1998/L.39, sponsored by Ecuador (on behalf of the Group of Latin American and Caribbean States). Italy, Norway, Spain, Sweden and the United States of America subsequently joined the sponsors.

557. The representative of Ecuador orally revised the fifth preambular paragraph of the draft resolution and inserted a new operative paragraph 3.

558. Statements in connection with the draft resolution were made by the representative of Guatemala and by the Observer for the Unidad Revolucionaria Nacional Guatemalteca.

559. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/22.

Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

560. At the 52nd meeting, on 17 April 1998, the representative of Germany introduced draft resolution E/CN.4/1998/L.44, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Denmark, El Salvador, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Madagascar, the Netherlands, New Zealand, Poland, Portugal, the Russian Federation, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Belarus, Brazil, Cape Verde, Cyprus, the Dominican Republic, Ecuador, Greece, Guatemala, Hungary, Japan, Liechtenstein, Mongolia, Norway, Peru, the Republic of Korea, Romania, Togo, Tunisia and Ukraine subsequently joined the sponsors.

561. Statements in connection with the draft resolution were made by the representatives of India and the Philippines.

562. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/57.

Situation of human rights in Haiti

563. At the 52nd meeting, on 17 April 1998, the representative of Venezuela introduced draft resolution E/CN.4/1998/L.51, sponsored by Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, France, Guatemala, Haiti, Mexico, Peru, Uruguay and Venezuela. Bolivia, Denmark, Ecuador, Honduras, Japan, Paraguay, Senegal, Sweden and the United States of America subsequently joined the sponsors.

564. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/58.

Assistance to Somalia in the field of human rights

565. At the 52nd meeting, on 17 April 1998, the representative of Italy introduced draft resolution E/CN.4/1998/L.66, sponsored by Belgium, Ireland, Italy, Portugal, the Republic of Korea, Romania, South Africa, Spain, Sweden and the United States of America. Australia, Bulgaria, Canada, Cyprus, Denmark, France, Gabon, Japan, New Zealand and Norway subsequently joined the sponsors.

566. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/59.

Situation of human rights in Cambodia

567. At the 52nd meeting, on 17 April 1998, the Observer for Australia introduced draft resolution E/CN.4/1998/L.71, sponsored by Australia, Italy, Japan, Romania, Sweden and the United Kingdom of Great Britain and Northern Ireland. Belgium, Canada, Denmark, Finland, France, Germany, Ireland, New Zealand, Norway, Poland and the United States of America subsequently joined the sponsors.

568. Operative paragraphs 8 to 10 and 15 of the draft resolution were orally revised by the Observer for Australia.

569. A statement in connection with the draft resolution was made by the representative of Indonesia (on behalf of the States members of the Association of South-East Asian Nations).

570. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1998/L.71 was issued in document E/CN.4/1998/L.99.

571. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/60.

XVIII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

572. The Commission considered agenda item 18 concurrently with items 11 and 16 (see chaps. XI and XVI) at its 21st to 24th meetings, from 27 to 31 March, and at its 39th meeting, on 9 April 1998. 1/

573. For the documents issued under agenda item 18, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

574. At the 22nd meeting, on 30 March 1998, the Special Rapporteur on the question of religious intolerance, Mr. Abdelfattah Amor, introduced his report (E/CN.4/1998/6 and Add.1 and 2). At the 24th meeting, on 31 March 1998, the Special Rapporteur made his concluding remarks.

575. In the general debate on agenda item 18, statements 2/ were made by the following members of the Commission: India (22nd), Ireland (21st), Pakistan (24th), Republic of Korea (22nd), Russian Federation (22nd), Sri Lanka (22nd), Sudan (24th), Ukraine (23rd), United States of America (23rd).

576. The Commission heard statements by the observers for: Afghanistan (23rd), Algeria (23rd), Cyprus (24th), Iran (Islamic Republic of) (24th), Lithuania (24th), Norway (24th).

577. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (24th), African Commission of Health and Human Rights Promoters (21st), Afro-Asian Peoples' Solidarity Organization (24th), Aliran Kesedaran Negara National Consciousness Movement (21st), Association for World Education (21st), Baptist World Alliance (23rd), Christian Solidarity International (21st), Franciscans International (23rd), Fraternité Notre Dame, Inc. (22nd), General Conference of the Seventh-Day Adventists (23rd), International Association for Religious Freedom (23rd), International Association for the Defence of Religious Liberty (21st), International Educational Development, Inc. (21st), International Human Rights Association of American Minorities (joint statement with World Society of Victimology) (24th), International Indian Treaty Council (21st), International Institute for Peace (24th), International Progress Organization (24th), Lutheran World Federation (joint statement with Conference of European Churches, World Alliance of Reformed Churches, World Council of Churches) (21st), North South XXI (23rd), Society for Threatened Peoples (23rd), World Muslim Congress (24th).

578. Statements in exercise of the right of reply or its equivalent were made by the representative of the Sudan (23rd) and by the Observer for Viet Nam (23rd).

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

579. At the 39th meeting, on 9 April 1998, the representative of Ireland introduced draft resolution E/CN.4/1998/L.34, sponsored by Andorra, Argentina, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Guatemala, Iceland, India, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Peru, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Belarus, Botswana, Ecuador, Hungary, Israel, Malta, Norway, Poland, South Africa, Ukraine and Uruguay subsequently joined the sponsors.

580. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

581. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/18.

XIX. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

582. The Commission considered agenda item 19 at its 29th to 31st meetings, on 2 and 3 April 1998. 1/

583. For the documents issued under agenda item 19, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

584. At the 29th meeting, on 2 April 1998, the Chairman-Rapporteur of the working group on the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, Mr. Jan Helgesen, introduced the report of the working group on its thirteenth session (E/CN.4/1998/98).

585. In the general debate on agenda item 19, statements 2/ were made by the following members of the Commission: Canada (29th), Chile (29th), China (29th), Cuba (29th), El Salvador (30th), Pakistan (30th), South Africa (29th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (29th), United States of America (29th), Venezuela (29th).

586. The Commission heard statements by the observers for: Australia (29th), Egypt (29th), Lithuania (30th), New Zealand (30th), Nigeria (30th), Norway (29th). The Observer for Switzerland also made a statement (30th).

587. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (30th), American Association of Jurists (30th), Association tunisienne des mères (30th), Franciscans International (30th), Human Rights Internet (30th), International Federation of Human Rights Leagues (joint statement with World Organization against Torture) (30th), International Service for Human Rights (joint statement with Amnesty International, Article XIX: The International Centre against Censorship, Asian Cultural Forum on Development, Association for the Prevention of Torture, Baha'i International Community, FIAN - Foodfirst Information and Action Network, Franciscans International, International Commission of Jurists, International Federation of ACAT (Action of Christians for the Abolition of Torture) and ACAT-Mexico, International Human Rights Law Group, International Indian Treaty Council, International Movement against All Forms of Discrimination and Racism, Latin American Committee for the Defence of Women's Rights, Latin American Federation of Associations of Relatives of Disappeared Detainees, Lawyers Committee for Human Rights, Movement against Racism and for Friendship among Peoples, Pax Christi International, United Nations Association of Great Britain and Northern Ireland, Women's International League for Peace and Freedom) (30th), World Movement of Mothers (30th).

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

588. At the 31st meeting, on 3 April 1998, the Observer for Norway introduced draft resolution E/CN.4/1998/L.18, sponsored by Argentina, Australia, Austria, Brazil, Canada, Chile, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Angola, Belarus, Belgium, Bolivia, Botswana, Bulgaria, Costa Rica, Ecuador, Georgia, Greece, Guatemala, India, Israel, Pakistan, the Republic of Korea, the Russian Federation, Ukraine and Uruguay subsequently joined the sponsors.

589. A statement in explanation of vote before the vote was made by the representative of Cuba.

590. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/7.

XX. RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

591. The Commission considered agenda item 20 at its 49th and 50th meetings, on 16 April, at its 53rd and 54th meetings, on 20 April, and at its 58th meeting, on 22 April 1998. 1/

592. For the documents issued under agenda item 20, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

593. At the 49th meeting, on 16 April 1998, the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos, introduced her report (E/CN.4/1998/101 and Add.1 and 2).

594. At the same meeting, the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Mr. Nils Eliasson, and the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Mr. Jorge Iván Mora Godoy, introduced the reports of the working groups on their fourth sessions (E/CN.4/1998/102 and E/CN.4/1998/103, respectively).

595. At the 53rd meeting, on 20 April 1998, the Special Representative of the Secretary-General on the impact of armed conflict on children, Mr. Olara A. Otunnu, introduced his report (E/CN.4/1998/119).

596. In the general debate on agenda item 20, statements 2/ were made by the following members of the Commission: Argentina (53rd), Bangladesh (53rd), Brazil (53rd), Chile (49th), Cuba (53rd), Czech Republic (53rd), El Salvador (50th), Guatemala (53rd), Indonesia (53rd), Japan (49th), Mexico (49th), Morocco (53rd), Pakistan (53rd), Philippines (53rd), Poland (53rd), Republic of Korea (53rd), Russian Federation (53rd), Senegal (53rd), Sri Lanka (53rd), Sudan (53rd), Uganda (49th), United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) (49th), United States of America (53rd), Uruguay (49th), Venezuela (49th).

597. The Commission heard statements by the observers for: Australia (54th), Costa Rica (50th), Egypt (50th), Honduras (50th), Iran (Islamic Republic of) (54th), Iraq (50th), Israel (54th), Kenya (54th), Libyan Arab Jamahiriya (50th), New Zealand (50th), Nicaragua (54th), Norway (54th), Slovakia (54th), Thailand (54th). The observers for the Holy See (54th) and Switzerland (54th) also made statements.

598. Statements were also made by the observers for the International Committee of the Red Cross (50th), the International Federation of Red Cross and Red Crescent Societies (54th), the United Nations Children's Fund (49th) and the World Health Organization (50th).

599. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (50th), Afro-Asian Peoples' Solidarity Organization (50th), American Association of Jurists (50th), Association for World Education (50th), Christian Solidarity International (54th), Commission for the Defense of Human Rights in Central America (50th), Defence for Children International (joint statement with International Catholic Child Bureau, International Federation of Business and Professional Women, International Federation of Social Workers, International Movement ATD Fourth World, International Save the Children Alliance) (50th), Family Planning Association of Pakistan (53rd), Fédération des associations pour la défense et la promotion des droits de l'homme (53rd), Federation of Cuban Women (50th), Franciscans International (50th), Fraternité Notre Dame, Inc. (54th), Friends World Committee for Consultation (Quakers) (joint statement with Amnesty International, Human Rights Watch) (50th), Human Rights Advocates, Inc. (53rd), Indian Council of Education (50th), International Association for the Defence of Religious Liberty (53rd), International Confederation of Free Trade Unions (50th), International Educational Development, Inc. (50th), International Federation Terre des Hommes (50th), International Institute for Non-Aligned Studies (50th), International Institute for Peace (50th), International Peace Bureau (53rd), International Progress Organization (54th), International Save the Children Alliance (50th), North South XXI (54th), Organisation tunisienne de l'education et de la famille (54th), Pax Christi International (50th), World Federation of Democratic Youth (50th), World Federation of Methodist and Uniting Church Women (50th), World Movement of Mothers (joint statement with General Arab Women Federation, Union of Arab Jurists)(50th), World Muslim Congress (53rd), World Organization against Torture (50th), World Organization of Former Students of Catholic Education (50th).

600. Statements in exercise of the right of reply or its equivalent were made by the representative of Brazil (54th) and by the Observer for Costa Rica (50th).

601. At its 58th meeting, on 22 April 1998, the Commission took up consideration of the draft resolutions submitted under agenda item 20.

Abduction of children from northern Uganda

602. The representative of Uganda introduced draft resolution E/CN.4/1998/L.40, sponsored by Botswana, the Democratic Republic of the Congo, Ethiopia, Portugal, Rwanda and Uganda. Kenya, Nepal, the United Republic of Tanzania and Zimbabwe subsequently joined the sponsors.

603. The representative of Uganda orally revised operative paragraph 7 of the draft resolution and replaced operative paragraph 9 by a new text.

604. A statement in connection with the draft resolution was made by the representative of Pakistan.

605. The representative of the Sudan introduced proposed amendments to draft resolution E/CN.4/1998/L.40 (E/CN.4/1998/L.84), sponsored by the Sudan. He subsequently orally revised paragraphs 1 and 6 of the proposed amendments.

606. A statement in connection with the proposed amendments was made by the representative of Uganda.

607. Statements in explanation of vote before the vote were made by the representatives of Austria, Brazil, Canada, Germany (also on behalf of Finland), India, Japan, Mexico, Uruguay and Venezuela.

608. At the request of the representative of Uganda, a roll-call vote was taken on the proposed amendments to draft resolution E/CN.4/1998/L.40 (E/CN.4/1998/L.84), as orally revised, which read as follows:

> "1. In the title of the draft resolution, in the sixth and seventh preambular paragraphs, and in operative paragraph 9, add the phrase 'and southern Sudan' after 'northern Uganda';
>
> "2. In operative paragraph 1, delete the phrase 'and non-governmental organizations'.
>
> "3. In operative paragraph 3:
>
> "(a) Add the phrase 'and southern Sudan' after 'in northern Uganda';
>
> "(b) Add the phrase 'and the rebel groups fighting in southern Sudan' at the end of the paragraph.
>
> "4. At the end of operative paragraph 4, add the phrase 'and in southern Sudan by the rebel groups fighting the Government'.
>
> "5. At the end of operative paragraphs 5 and 6, add the phrase 'and by the rebel groups fighting in southern Sudan'.
>
> "6. In operative paragraph 7:
>
> "(a) Add the phrase 'and on the rebel groups fighting in southern Sudan' after 'the Lord's Resistance Army';
>
> "(b) Replace the words 'to force it' by 'to force them';
>
> "(c) Add the phrase 'and southern Sudan, respectively' at the end of the paragraph.

"7. In operative paragraph 8:

"(a) Add the phrase 'and southern Sudan' after 'in northern Uganda';

"(b) Add the phrase 'and by the rebel groups fighting in southern Sudan, respectively' after 'the Lord's Resistance Army'."

609. The proposed amendments were rejected by 16 votes to 6, with 30 abstentions. The voting was as follows:

In favour: Bangladesh, Indonesia, Pakistan, Russian Federation, Rwanda, Sudan.

Against: Austria, Botswana, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Germany, Ireland, Italy, Luxembourg, Nepal, Poland, South Africa, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belarus, Bhutan, Brazil, Canada, Cape Verde, Chile, China, Congo, Ecuador, El Salvador, France, Guatemala, Guinea, India, Japan, Madagascar, Malaysia, Mali, Mexico, Mozambique, Peru, Philippines, Republic of Korea, Senegal, Sri Lanka, Tunisia, Ukraine, Uruguay, Venezuela.

610. A statement in explanation of vote after the vote was made by the representative of Cuba.

611. At the request of the representative of Uganda, a roll-call vote was taken on draft resolution E/CN.4/1998/L.40, as orally revised, which was adopted by 24 votes to 1, with 27 abstentions. The voting was as follows:

In favour: Austria, Bangladesh, Botswana, Chile, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, El Salvador, France, Germany, Indonesia, Ireland, Italy, Luxembourg, Nepal, Pakistan, Poland, Russian Federation, Rwanda, South Africa, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Sudan.

Abstaining: Argentina, Belarus, Bhutan, Brazil, Canada, Cape Verde, China, Congo, Ecuador, Guatemala, Guinea, India, Japan, Madagascar, Malaysia, Mali, Mexico, Mozambique, Peru, Philippines, Republic of Korea, Senegal, Sri Lanka, Tunisia, Ukraine, Uruguay, Venezuela.

612. Canada subsequently indicated its support for the resolution.

613. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/75.

Rights of the child

614. The representative of Uruguay introduced draft resolution E/CN.4/1998/L.92, sponsored by Argentina, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Italy, Japan, Luxembourg, Mexico, the Netherlands, Nicaragua, Paraguay, Peru, Poland, Portugal, Romania, Slovakia, South Africa, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Angola, Australia, Bangladesh, Belarus, Botswana, Bulgaria, Croatia, Cyprus, Georgia, Iceland, Ireland, Liechtenstein, Lithuania, Madagascar, Nepal, New Zealand, Norway, Pakistan, Panama, the Philippines, Slovenia, the Sudan, the former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine and the United States of America subsequently joined the sponsors.

615. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

616. Statements in connection with the draft resolution were made by the representatives of the Russian Federation and Uruguay.

617. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/76.

XXI. FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

618. The Commission considered agenda item 21 at its 7th meeting, on 19 March, at its 54th and 55th meetings, on 20 April, and at its 58th meeting, on 22 April 1998. 1/

619. For the documents issued under agenda item 21, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

620. At the 7th meeting, on 19 March 1998, the United Nations High Commissioner for Human Rights, Ms. Mary Robinson, introduced her reports (E/CN.4/1998/104 and Corr.1 and 2 and E/CN.4/1998/122) (see also chap. III).

621. In the general debate on agenda item 21, statements 2/ were made by the following members of the Commission: Austria (54th), Bangladesh (55th), Brazil (54th), Chile (54th), China (54th), Denmark (54th), Germany (55th), Pakistan (55th), Russian Federation (55th), Tunisia (55th), Ukraine (55th).

622. The Commission heard a statement by the Observer for Egypt (55th).

623. The Commission also heard statements by the following non-governmental organizations: Association for World Education (joint statement with Christian Solidarity International) (55th), Center for European Studies (55th), Commission for the Defense of Human Rights in Central America (55th), Fédération des associations pour la défense et la promotion des droits de l'homme (55th), Human Rights Internet (55th), Indian Movement "Tupaj Amaru" (55th), International Movement for Fraternal Union among Races and Peoples (55th), International Women's Tribune Centre (55th), Latin American Federation of Associations of Relatives of Disappeared Detainees (55th), World Federation of Democratic Youth (55th), World Muslim Congress (55th).

624. A statement in exercise of the equivalent of the right of reply was made by the Observer for Ethiopia (55th).

Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

625. At the 58th meeting, on 22 April 1998, the representative of Austria introduced draft resolution E/CN.4/1998/L.103, sponsored by Argentina, Austria, Bangladesh, Belarus, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Denmark, the Dominican Republic, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, India, Ireland, Italy, Japan, Latvia,

Liechtenstein, Lithuania, Luxembourg, Nicaragua, Norway, Poland, Portugal, the Republic of Korea, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, Venezuela and Zambia. Angola, Armenia, Australia, Belgium, Brazil, Cyprus, El Salvador, Madagascar, Mongolia, New Zealand, the Russian Federation, Thailand, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

626. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/78.

XXII. THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

627. The Commission considered agenda item 22 at its 54th meeting, on 20 April, and at its 58th meeting, on 22 April 1998. 1/

628. For the documents issued under agenda item 22, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

629. In the general debate on agenda item 22, the Commission heard a statement by the Observer for Singapore (54th).

630. The Commission also heard statements by the following non-governmental organizations: Friends World Committee for Consultation (Quakers) (54th), International Institute for Peace (54th), Latin American Federation of Associations of Relatives of Disappeared Detainees (54th), Pax Christi International (54th), Pax Romana (54th), War Resisters' International (54th), Women's International League for Peace and Freedom (54th).

Conscientious objection to military service

631. At the 58th meeting, on 22 April 1998, the Observer for Finland introduced draft resolution E/CN.4/1998/L.93, sponsored by Austria, the Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, the Netherlands, Norway, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland. Canada subsequently joined the sponsors.

632. A statement in connection with the draft resolution was made by the representative of Mexico.

633. The draft resolution was adopted without a vote.

634. The representative of the Republic of Korea made a statement in connection with the resolution after its adoption.

635. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/77.

XXIII. INDIGENOUS ISSUES

636. The Commission considered agenda item 23 at its 18th to 21st meetings, on 26 and 27 March, and at its 38th and 39th meetings, on 9 April 1998. 1/

637. For the documents issued under agenda item 23, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

638. At the 18th meeting, on 26 March 1998, the Chairman-Rapporteur of the working group established in accordance with Commission on Human Rights resolution 1995/32 of 3 March 1995, Mr. José Urrutia, introduced the report of the working group (E/CN.4/1998/106 and Corr.1).

639. In the general debate on agenda item 23, statements 2/ were made by the following members of the Commission: Argentina (19th), Brazil (20th), Canada (19th), Chile (19th), Cuba (20th), Guatemala (20th), Peru (19th), Philippines (20th), Russian Federation (19th), Ukraine (19th).

640. The Commission heard statements by the observers for: Australia (20th), Bolivia (20th), Estonia (19th), New Zealand (19th), Spain (19th). The Observer for Switzerland also made a statement (20th).

641. Statements were also made by the observers for the International Labour Organization (19th) and the World Health Organization (19th).

642. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (19th), Anti-Slavery International (19th), Asian Buddhists Conference for Peace (19th), Commission of the Churches on International Affairs of the World Council of Churches (19th), Franciscans International (19th), Indian Law Resource Centre (19th), Indian Movement "Tupaj Amaru" (19th), International Commission of Jurists (21st), International Educational Development, Inc. (19th), International Federation of Rural Adult Catholic Movements (21st), International Indian Treaty Council (19th), International League for the Rights and Liberation of Peoples (21st), International Movement against All Forms of Discrimination and Racism (19th), International Organization for the Development of Freedom of Education (20th), International Organization of Indigenous Resource Development (19th), International Peace Bureau (21st), International Work Group for Indigenous Affairs (19th), Inuit Circumpolar Conference (19th), Lutheran World Federation (21st), Minority Rights Group (20th), Movement against Racism and for Friendship among Peoples (20th), North South XXI (21st), Pax Christi International (20th), Saami Council (20th), Service Peace and Justice in Latin America (21st), Transnational Radical Party (20th), World Alliance of Reformed Churches (21st), World Federation for Mental Health (21st), World Wide Fund for Nature International (21st).

Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

643. At the 38th meeting, on 9 April 1998, the Observer for New Zealand introduced draft resolution E/CN.4/1998/L.22, sponsored by Argentina, Australia, Canada, Chile, Cyprus, Denmark, Ecuador, Estonia, Finland, Greece, Guatemala, Honduras, Ireland, Latvia, Mexico, New Zealand, Nicaragua, Norway, Peru, the Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Andorra, Bolivia, Brazil, Colombia, Costa Rica, France and the Philippines subsequently joined the sponsors.

644. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

645. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/13.

646. In view of the adoption of resolution 1998/13, the Commission took no action on draft decision 3 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

647. At the 38th meeting, on 9 April 1998, the representative of Canada introduced draft resolution E/CN.4/1998/L.23, sponsored by Argentina, Australia, Canada, Chile, Cyprus, Denmark, Finland, Guatemala, Mexico, New Zealand, Nicaragua, Norway, Peru, Sweden and Switzerland. Bolivia, Brazil, Ecuador, Estonia, Greece, the Russian Federation, Spain and the United States of America subsequently joined the sponsors.

648. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

649. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/14.

A permanent forum for indigenous people in the United Nations system

650. At the 38th meeting, on 9 April 1998, the representative of Denmark introduced draft resolution E/CN.4/1998/L.24, sponsored by Argentina, Bangladesh, Bolivia, Canada, Chile, Cyprus, Denmark, Estonia, Finland, Greece, Guatemala, Honduras, Latvia, Lithuania, Mexico, Nepal, Norway, Portugal, the Russian Federation, Spain, Sweden, Switzerland and Ukraine. Andorra, Belgium, Colombia, Costa Rica, Ecuador, Iceland, the Netherlands and Peru subsequently joined the sponsors.

651. The second preambular paragraph and operative paragraphs 2 and 4 of the draft resolution were orally revised by the representative of Denmark.

652. Statements in connection with the draft resolution were made by the representatives of Cuba, Denmark and France.

653. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

654. On the proposal of the Chairman, consideration of the draft resolution was postponed.

655. At its 39th meeting, on 9 April 1998, the Commission resumed consideration of draft resolution E/CN.4/1998/L.24.

656. The second preambular paragraph of the draft resolution was further orally revised by the representative of Denmark.

657. Statements in connection with the draft resolution were made by the representatives of Cuba and Denmark.

658. Statements in explanation of vote before the vote were made by the representatives of Cuba and the United States of America.

659. The draft resolution, as orally revised, was adopted without a vote.

660. The representative of Japan made a statement in connection with the resolution after its adoption.

661. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/20.

Protection of the heritage of indigenous people

662. At its 38th meeting, on 9 April 1998, the Commission considered draft decision 2 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

663. The operative part of the draft decision was orally amended by the representative of Brazil.

664. Statements in connection with the draft decision were made by the representatives of Brazil and Cuba.

665. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

666. The draft decision, as orally amended, was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1998/1

Permanent forum within the United Nations system for indigenous peoples

667. At its 39th meeting, on 9 April 1998, the Commission considered draft decision 1 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. I).

668. Statements in connection with the draft decision were made by the representatives of Brazil, Canada, Cuba, Denmark and Mexico.

669. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of Canada moved that the Commission take no decision on the draft decision.

670. The motion was carried without a vote.

XXIV. ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

671. The Commission considered agenda item 24 at its 32nd meeting, on 6 April 1998. 1/

672. The Commission had before it a note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and biographical data on the candidates (E/CN.4/1998/108 and Add.1 and 2).

673. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission, at its forty-fourth session (39th meeting, held on 29 February 1988), elected by secret ballot 26 members of the Sub-Commission from nominations of experts made by States Members of the United Nations, on the following basis: (a) seven members from African States; (b) five members from Asian States; (c) three members from Eastern European States; (d) five members from Latin American and Caribbean States; (e) six members from Western European and other States.

674. Pursuant to Economic and Social Council resolution 1986/35, members of the Sub-Commission are elected for a term of four years, and half of the membership and the corresponding alternates, if any, are elected every two years.

675. As the term of office of half of the membership of the Sub-Commission had expired, the Commission was called upon to hold an election of Sub-Commission members and alternates on the following basis: three members from African States, three members from Asian States, one member from Eastern European States, three members from Latin American and Caribbean States, and three members from Western European and other States.

676. Three members of the Sub-Commission and their corresponding alternates from Western European and other States were elected without a vote for a period of four years:

Western European and other States

Mr. Louis Joinet Mr. Emmanuel Decaux a/	France
Ms. Erica-Irene A. Daes Ms. Kalliopi K. Koufa a/	Greece
Ms. Françoise Jane Hampson Ms. Helena Cook a/	United Kingdom of Great Britain and Northern Ireland

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a/ Alternate.

677. The Commission elected by secret ballot 10 members of the Sub-Commission and their corresponding alternates, if any, for a period of four years. The following candidates were elected:

African States

Mr. Yeung Kam Yeung Sik Yuen	Mauritius
Mr. El-Hadji Guissé	Senegal
Mr. Joseph Oloka-Onyango	Uganda

Asian States

Mr. Guoxiang Fan	China
Mr. Shukong Zhong a/	
Mr. Soli Jehangir Sorabjee	India
Mr. Rajendra Kalidas Wimala Goonesekere	Sri Lanka
Ms. Deepika Udagama a/	

Eastern European States

Mr. Teimuraz Ramishvili	Russian Federation
Mr. Vladimir A. Kartashkin a/	

Latin American and Caribbean States

Mr. Paulo Sérgio Pinheiro	Brazil
Ms. Marília Sardenberg Zelner Gonçalves a/	
Mr. José Bengoa	Chile
Mr. Alejandro Enrique Salinas Rivera a/	
Mr. Héctor Fix Zamudio	Mexico
Mr. Alonso Gómez-Robledo Verduzco a/	

XXV. DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FIFTH SESSION OF THE COMMISSION

678. The Commission considered agenda item 25 at its 60th meeting, on 24 April 1998. 1/

679. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Commission had before it a note by the Secretary-General (E/CN.4/1998/L.1) containing a draft provisional agenda for the fifty-fifth session of the Commission and indicating the documents to be submitted under each agenda item and the legislative authority for their consideration.

680. The Chairman introduced and orally revised document E/CN.4/1998/L.106, containing, in annex I, his proposal for the restructuring of the Commission's agenda.

681. The proposal was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1998/84.

682. In view of the adoption of resolution 1998/84, the draft provisional agenda for the fifty-fifth session prepared by the Secretary-General (E/CN.4/1998/L.1) was adapted accordingly.

683. The Commission took note of the draft provisional agenda for the fifty-fifth session of the Commission, as adapted, which read as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

   Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

   Documentation:

   Report of the United Nations High Commissioner for Human Rights containing an analysis of the situation of human rights in Colombia (statement agreed on by consensus by the Commission, made by the Chairman on 9 April 1998).

4. Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights

   Legislative authority: Commission resolutions 1997/69 and 1998/78.

Documentation:

Report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of the Vienna Declaration and Programme of Action (resolution 1997/69, para. 14).

5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1998/4 and 1998/6.

Documentation:

(a) Report of the Secretary-General on the implementation of resolution 1998/4 on the situation in occupied Palestine (resolution 1998/4, para. 3);

(b) Report of the Special Rapporteur on the question of the use of mercenaries (resolution 1998/6, para. 12).

6. Racism, racial discrimination, xenophobia and all forms of discrimination.

Legislative authority: Commission resolutions 1995/11 and 1998/26.

Documentation:

(a) Annual report of the Secretary-General (resolution 1995/11, para. 22);

(b) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolution 1998/26, para. 32);

(c) Preliminary analytical study on the objectives of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by the United Nations High Commissioner for Human Rights (resolution 1998/26, para. 55);

(d) Compendium of references to publications and other works on the fight against racism, racial discrimination, xenophobia and related intolerance by the High Commissioner for Human Rights (resolution 1998/26, para. 57);

(e) Report of the Secretary-General (resolution 1998/26, para. 62).

7. The right to development.

Legislative authority: Commission resolution 1998/72.

Documentation:

(a) Report of the United Nations High Commissioner for Human Rights (para. 11);

(b) Report of the Secretary-General (para. 13).

8. Question of the violation of human rights in the occupied Arab territories, including Palestine.

Legislative authority: Commission resolutions 1993/2, 1998/1 and 1998/2.

Documentation:

(a) Report of the Special Rapporteur (resolution 1993/2 A, para. 4);

(b) Reports of the Secretary-General (resolution 1998/1, para. 10; resolution 1998/2, para. 6);

(c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (resolution 1998/1, para. 11).

9. Question of the violation of human rights and fundamental freedoms in any part of the world, including:

(a) Question of human rights in Cyprus;

(b) Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolutions 1235 (XLII), 1503 (XLVIII) and 1990/41; Commission resolutions 8 (XXIII), 1998/61, 1998/62, 1998/63, 1998/64, 1998/65, 1998/66, 1998/67, 1998/68, 1998/69, 1998/70, 1998/71, 1998/79, 1998/80 and 1998/82 and decision 1998/109.

Documentation:

(a) Report of the Working Group on Situations (Economic and Social Council resolution 1990/41);

(b) Report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (Commission resolution 1998/61, para. 5 (a));

(c) Report of the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa (Commission resolution 1998/62, para. 6 (b));

(d) Report of the Special Rapporteur on the situation of human rights in Myanmar (Commission resolution 1998/63, para. 5 (a));

(e) Report of the Special Rapporteur on the situation of human rights in Nigeria (Commission resolution 1998/64, para. 4 (a));

(f) Report of the Special Rapporteur on the situation of human rights in Iraq (Commission resolution 1998/65, para. 4 (a));

(g) Report of the Secretary-General on reprisals against persons cooperating with representatives of United Nations human rights bodies (Commission resolution 1998/66, para. 6);

(h) Reports of the Special Rapporteur on the situation of human rights in the Sudan (Commission resolution 1998/67, paras. 23-24);

(i) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (Commission resolution 1998/68, para. 8 (a));

(j) Report of the Special Representative of the Commission on the situation of human rights in Rwanda (Commission resolution 1998/69, para. 27);

(k) Reports of the United Nations High Commissioner for Human Rights on the work of the Human Rights Field Operation in Rwanda and on the implementation of Commission resolution 1998/69 (Commission resolution 1998/69, para. 29);

(l) Report of the Special Rapporteur on the situation of human rights in Afghanistan (Commission resolution 1998/70, para. 10 (a));

(m) Report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (Commission resolution 1998/71, para. 16);

(n) Report of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Commission resolution 1998/79, para. 51);

(o) Report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (Commission resolution 1998/80, para. 5 (a));

(p) Report of the Secretary-General on the situation of human rights in East Timor (statement agreed on by consensus by the Commission, made by the Chairman on 24 April 1998);

(q) Report of the Special Rapporteur on the situation of human rights in Burundi (Commission resolution 1998/82, para. 26);

(r) Report of the Secretary-General on the question of human rights in Cyprus (Commission decision 1998/109).

10. Economic, social and cultural rights.

Legislative authority: Commission resolutions 1998/11, 1998/12, 1998/23, 1998/24, 1998/25 and 1998/33 and decisions 1997/103 and 1998/102.

Documentation:

(a) Report of the Secretary-General on the implications and negative effects of unilateral coercive measures (resolution 1998/11, para. 8 (b));

(b) Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (resolution 1998/12, paras. 10-13);

(c) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 1998/23 on the right to food (resolution 1998/23, para. 8);

(d) Analytical report of the Special Rapporteur on the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt (resolution 1998/24, para. 9);

(e) Report of the independent expert on the question of human rights and extreme poverty (resolution 1998/25, para. 6 (d));

(f) Report of the Special Rapporteur on the right to education (resolution 1998/33, para. 6 (a) (viii));

(g) Report of the independent expert on structural adjustment policies (decisions 1997/103 and 1998/102);

(h) Report of the working group on structural adjustment programmes and economic, social and cultural rights (decision 1998/102).

11. Civil and political rights, including questions of:

(a) Torture and detention;

(b) Disappearance and summary executions;

(c) Freedom of expression;

(d) Independence of the judiciary, administration of justice, impunity;

(e) Religious intolerance;

(f) States of emergenc[illegible]

(g) Conscientious objection to military service.

Legislative authority: Commission resolutions 1997/29, 1998/8, 1998/18, 1998/34, 1998/35, 1998/38, 1998/40, 1998/41, 1998/42, 1998/43, 1998/47, 1998/48, 1998/53 and 1998/73.

Documentation:

(a) Report of the Secretary-General on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (resolution 1997/29, para. 3);

(b) Yearly supplement by the Secretary-General on changes in law and practice concerning the death penalty (resolution 1998/8, para. 5);

(c) Report of the Special Rapporteur on religious intolerance (resolution 1998/18, para. 14);

(d) Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1998/34, paras. 2 and 7);

(e) Report of the Special Rapporteur on the independence of judges and lawyers (resolution 1998/35, para. 8);

(f) Annual report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1998/38, para. 18);

(g) Report of the Special Rapporteur on the question of torture (resolution 1998/38, para. 30);

(h) Report of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture (resolution 1998/38, para. 38);

(i) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 1998/38, para. 39);

(j) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 1998/40, paras. 2 (i) and 9);

(k) Report of the Working Group on Arbitrary Detention (resolution 1998/41, para. 12);

(l) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (resolution 1998/42, para. 10);

(m) Report of the independent expert entrusted with the preparation of a revised version of the draft basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law (resolution 1998/43, para. 2);

(n) Report of the Secretary-General on human rights and arbitrary deprivation of nationality (resolution 1998/48, para. 7);

(o) Report of the Secretary-General on the issue of impunity (resolution 1998/53, para. 7).

12. Integration of the human rights of women and a gender perspective:

(a) Violence against women.

Legislative authority: Commission resolutions 1997/44, 1998/30 and 1998/51.

Documentation:

(a) Report of the Special Rapporteur on violence against women (resolution 1997/44, para. 14);

(b) Report of the Secretary-General on traffic in women and girls (resolution 1998/30, para. 10);

(c) Report of the Secretary-General on the question of integrating the human rights of women throughout the United Nations system (resolution 1998/51, paras. 5 and 14).

13. Rights of the child.

Legislative authority: General Assembly resolution 51/77; Commission resolutions 1993/79, 1998/75 and 1998/76.

Documentation:

(a) Annual report of the Special Representative of the Secretary-General on the impact of armed conflict on children (General Assembly resolution 51/77, para. 37);

(b) Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the state of implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour (Commission resolution 1993/79, para. 8);

(c) Report of the Secretary-General on the implementation of Commission resolution 1998/75 on the abduction of children from northern Uganda (Commission resolution 1998/75, para. 11);

(d) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (Commission resolution 1998/76, para. 8 (a));

(e) Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Commission resolution 1998/76, para. 9 (b));

(f) Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (Commission resolution 1998/76, para. 14 (c));

(g) Report of the Secretary-General (Commission resolution 1998/76, para. 23 (a)).

14. Specific groups and individuals:

(a) Migrant workers;

(b) Minorities;

(c) Mass exoduses and displaced persons;

(d) Other vulnerable groups and individuals.

Legislative authority: Commission resolutions 1997/20, 1997/33, 1998/15, 1998/16, 1998/19 and 1998/50.

Documentation:

(a) Updated report of the Secretary-General on the question of the removal of organs and tissues of children and adults for commercial purposes (resolution 1997/20, para. 5 (a));

(b) Progress report of the Secretary-General on the follow-up to resolution 1997/33 on HIV/AIDS (resolution 1997/33, para. 3);

(c) Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 1998/15, para. 7);

(d) Report of the working group of intergovernmental experts on the human rights of migrants (resolution 1998/16, para. 6);

(e) Report of the Secretary-General on the implementation of resolution 1998/19 on the rights of persons belonging to national or ethnic, religious and linguistic minorities (resolution 1998/19, para. 14);

(f) Report of the representative of the Secretary-General on internally displaced persons (resolution 1998/50, para. 6).

15. Indigenous issues.

Legislative authority: Commission resolutions 1998/13, 1998/14 and 1998/20.

Documentation:

(a) Updated annual report of the United Nations High Commissioner for Human Rights on the International Decade of the World's Indigenous People (resolution 1998/13, para. 12);

(b) Progress report of the working group on a draft declaration (resolution 1998/14, para. 6);

(c) Report of the working group on proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system (resolution 1998/20, para. 6).

16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) Report and draft decisions;

(b) Election of members.

Legislative authority: Commission resolution 1998/28 and decision 1998/105.

Documentation:

Report of the Chairman of the Sub-Commission (resolution 1998/28, para. 11).

17. Promotion and protection of human rights:

(a) Status of the International Covenants on Human Rights;

(b) Human rights defenders;

(c) Information and education;

(d) Science and environment.

Legislative authority: Commission resolutions 1997/41, 1997/71, 1998/7, 1998/8, 1998/9, 1998/29, 1998/45, 1998/54 and 1998/81 and decisions 1997/102 and 1997/122.

Documentation:

(a) Report of the Secretary-General on public information activities (resolution 1997/41, para. 13);

(b) Report of the Secretary-General on human rights and bioethics (resolution 1997/71, para. 7);

(c) Report of the Secretary-General on the status of the International Covenants on Human Rights (resolution 1998/9, para. 18);

(d) Report of the Secretary-General on the question of minimum humanitarian standards (resolution 1998/29, para. 5);

(e) Report of the Secretary-General on human rights and the environment (decision 1997/102);

(f) Report of the Secretary-General on the follow-up to the guidelines for the regulation of computerized personal data files (decision 1997/122).

18. Effective functioning of human rights mechanisms:

(a) Treaty bodies;

(b) National institutions and regional arrangements;

(c) Adaptation and strengthening of the United Nations machinery for human rights.

Legislative authority: Commission resolutions 1997/34, 1998/27, 1998/44, 1998/46, 1998/55 and 1998/74.

Documentation:

(a) Report of the Secretary-General on the state of regional arrangements for the promotion and protection of human rights (resolution 1997/34, para. 10);

(b) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (resolution 1998/44, para. 11);

(c) Comprehensive report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the High Commissioner for Human Rights (resolution 1998/46, para. 10);

(d) Report of the Secretary-General on national institutions for the promotion and protection of human rights (resolution 1998/55, paras. 12 and 17);

(e) List by the Secretary-General of all persons currently mandated to carry out the thematic and country procedures, including their country of origin (resolution 1998/74, para. 10 (b)).

19. Advisory services and technical cooperation in the field of human rights.

Legislative authority: Commission resolutions 1997/48, 1998/57, 1998/58, 1998/59 and 1998/60.

Documentation:

(a) Annual report of the Secretary-General on technical cooperation in the field of human rights (resolution 1998/57, para. 14 (b));

(b) Report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti (resolution 1998/58, para. 8);

(c) Report of the independent expert on the situation of human rights in Haiti (resolution 1998/58, para. 12);

(d) Report of the independent expert on the situation of human rights in Somalia (resolution 1998/59, para. 5);

(e) Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (resolution 1998/60);

(f) Report of the Secretary-General on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (resolution 1998/60, para. 23).

20. Rationalization of the work of the Commission.

Legislative authority: Commission decision 1998/112.

Documentation:

Report of the Bureau of the Commission at its fifty-fourth session.

21. (a) Draft provisional agenda for the fifty-sixth session of the Commission;

(b) Report to the Economic and Social Council on the fifty-fifth session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII); rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-sixth session of the Commission, together with information concerning documentation relating thereto.

XXVI. REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-FOURTH SESSION OF THE COMMISSION

684. At its 67th meeting, on 24 April 1998, the Commission considered the draft report on the work of its fifty-fourth session. The draft report, as contained in documents E/CN.4/1998/L.10 and Add.1-21 and E/CN.4/1998/L.11 and Add.1-8, and as amended in the course of the discussion, was adopted *ad referendum* and the Commission decided to entrust the Rapporteur with its finalization.

Notes

1/ Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (E/CN.4/1998/SR.1-60/Corrigendum).

2/ The number in parentheses following the name of a State or organization indicates the meeting at which the statement was made.

3/ An estimate of the administrative and programme budget implications of Commission resolutions and decisions appears in annex III.

ANNEXES

Annex I

ATTENDANCE

Members

Argentina

Ms. Teresa de Sola*, Mr. Juan Carlos Sánchez Arnau*, Mr. Hernán Plorutti**, Mr. Manuel Benítez**, Mr. Víctor Ramos, Mr. Pablo Chelia, Mr. Mariano Simón Padrós, Mr. Jorge Cardozo, Ms. Nadia Dziewczapolski, Ms. Inés Pérez Suárez, Ms. Mónica Pinto

Austria

Mr. Christian Strohal*, Mr. Harald Kreid*, Mr. Engelbert Theuermann**, Mr. Michael Desser**, Ms. Elisabeth Schiefermair**, Ms. Elisabeth Bertagnoli, Mr. Robert Zischg, Mr. Franz Josef Homann-Herimberg, Ms. Suzanne Giendl, Ms. Ingrid Kircher, Mr. Gerd Oberleitner, Mr. Stefan Pehringer

Bangladesh

Mr. Iftekhar Ahmed Chowdhury*, Mr. Abdul Mannan, Mr. M. Mijarul Quayes, Mr. M. Shahidul Islam, Mr. Khalilur Rahman, Mr. Abu Bakr Molla

Belarus

Mr. Stanislau Agurtsou*, Ms. Alena Kupchyna**, Ms. Elena Gritsenko**

Bhutan

Mr. Jigmi Y. Thinley*, Mr. Kinga Singye, Mr. Ugyen Tshewang, Mr. Sonam Tobgay

Botswana

Mr. Legwaila J.M.J. Legwaila*, Mr. Elvidge Mhlauli, Mr. Eric Molale, Mr. Tebelelo Boang

Brazil

Mr. Gilberto Vergne Saboia*, Mr. Carlos Alberto Simas Magalhaes, Mr. Frederico S. Duque Estrada Meyer, Mr. Antonio Carlos do Nascimento Pedro, Ms. Ana Cândida Perez, Mr. Fernando de Mello Vidal, Ms. Maria Helena Pinheiro Penna de Mello Barreto, Mr. Benoni Belli, Mr. Hélio Bicudo

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* Representative.

** Alternate.

Canada

Mr. Ross Hynes*, Mr. Andrew McAlister**, Ms. Adele Dion**,
Mr. Robert Lawrence, Mr. Wayne Lord, Mr. Peter Splinter,
Ms. Deborah Chatsis, Mr. Gavin Buchan, Ms. Kirsten Mlacak,
Ms. Drew McVey, Ms. Christine Siminowski, Ms. Johanne Levasseur,
Mr. Claude Bachand, Ms. Colleen Beaumier, Mr. Svend Robinson,
Mr. Blaine Favel, Ms. Michelle Flardeau-Ramsay, Mr. John Dwyer,
Ms. Jeanne Corriveau, Ms. Nathalie Niedoba, Mr. Bruno Scheire,
Mr. Christian Deslauriers, Ms. Reine Fournier, Ms. Diane Glauser

Cape Verde

Mr. Victor Afonso Fidalgo*, Mr. Jorge Tolentino Araújo,
Mr. António Nascimento

Chile

Mr. Germán Molina Valdivieso*, Mr. Javier Illanes Fernández**,
Mr. Alejandro Salinas Rivera, Mr. Luis Lillo Benavides,
Mr. Luis Ernesto Toro Toro, Mr. Omar Jara Aravena,
Mr. Eduardo Tapia Riepel, Ms. Ximena Ares Mora, Mr. Domingo Namuncura

China

Mr. Wu* Jianmin, Ms. Shi Yanhua**, Mr. Li Baodong**,
Mr. Liu** Xinsheng, Mr. Wang Min**, Mr. Xie Bohua**, Ms. Sonam,
Mr. Liu Lixian, Mr. Hu Yiding, Mr. Bai Fuzhong, Mr. Zhang Chonggen,
Ms. Ma Yuhong, Mr. Yao Fei, Mr. Zhang Xide, Mr. Chang Weimin,
Mr. Song Xijun, Mr. Ren Yisheng, Ms. Qi Xiaoxia, Mr. Feng Wei,
Ms. He Yuhong, Ms. Dong Zhihua, Mr. Du Zhenquan, Ms. Yan Jiarong,
Ms. Li Xiaomei, Mr. Zhang Changwei

Congo

Mr. Rodolphe Adada*, Mr. Pierre Nze, Mr. Jean Nzikou,
Mr. Maurice Massengo-Tiasse, Mr. Raymond Serge Bale,
Mr. Sylvain Bayalama, Mr. Gilbert Mouyabi, Mr. Roger-Julien Menga,
Mr. Gaston Samba, Mr. Justin Biaboroh, Mr. Jean Petro, Mr. Emmanuel Oko,
Mr. Thomas Djolani

Cuba

Ms. María de los Angeles Flórez Prida*, Mr. Carlos Amat Forés**,
Mr. Juan Antonio Fernández Palacios**, Mr. Adrián Delgado González,
Ms. María E. Fiffe Cabreja, Mr. Rodolfo Reyes Rodríguez,
Ms. Aymée Hernández Quesada, Ms. María del Carmen Herrera Caseiro,
Mr. Miguel Alfonso Martínez

Czech Republic

Mr. Miroslav Somol*, Mr. Milan Beranek**, Ms. Vera Jerabkova,
Ms. Ivana Schellongova, Mr. Richard Krpac, Mr. Karel Hejc,
Mr. Pavel Skoda

Democratic Republic of the Congo

Mr. Mwenze Nkongolo*, Mr. Mbuyu Luyongola, Mr. Yambu, Mr. Marume Mulume,
Ms. Marguerite Rachid Kabamba, Mr. Ghislain Demofike,
Mr. Placide Ntalemwa, Mr. Mamboleo, Mr. Kibidi Ngovuka,
Mr. Guy Maginzi Tambwe

Denmark

Mr. Tyge Lehmann*, Mr. Hans Henrik Bruun*, Mr. Jens Faerkel**,
Ms. Anne-Marie Sloth Carlsen**, Mr. Dan E. Frederiksen**,
Ms. Kirsten Geelan**, Ms. Marianne Lykke Thomsen,
Ms. Marianne Haugaard Thomsen, Mr. Lars von Spreckelsen-Syberg,
Mr. Claus Haagen Jensen, Mr. Morten Kjaerum, Mr. Jens Vedsted Hansen,
Ms. Jytte Lindgaard, Mr. Holger Kallehauge, Mr. Ole Hartling,
Ms. Inge Skjoldager, Ms. Bente Nielsen, Mr. Erik Holst,
Mr. Eric Tinor-Centi, Ms. Caroline Rubow, Ms. Katrine Sidenius,
Mr. Rasmus Shermer Kristensen, Mr. Claus Holm, Ms. Christina Hansson,
Ms. Sussi Loades

Ecuador

Mr. Luis Gallegos Chiriboga*, Mr. Antonio Rodas,
Mr. Federico Meneses, Mr. Gustavo Anda, Mr. Juan Carlos Castrillón,
Ms. Rocío Zaldumbide

El Salvador

Mr. Víctor Manuel Lagos Pizzati*, Mr. José Roberto Mejía Trabanino,
Mr. Mario Castro Grande, Mr. Carlos García

France

Mr. Daniel Bernard*, Mr. Jean-Maurice Ripert, Mr. Jean de Gliniasty,
Mr. Robert Gelli, Ms. Marie Bertin, Mr. Serge Telle,
Mr. Harold Valentin, Ms. Cécile Sportis, Mr. Laurent Stefanini,
Mr. Jean Kahn, Mr. Mario Bettati, Mr. Emmanuel Decaux,
Mr. Alain Sortais, Ms. Chantal Poiret, Mr. Charley Causeret,
Mr. Tristan de Lafond, Mr. Hervé Besancenot, Mr. Olivier Delmotte,
Ms. Sophie Lovy-Laszlo, Ms. Marion Paradas-Bouveau,
Mr. Frédéric Desagneaux, Mr. Patrick Pascal, Ms. Assia Sixou,
Mr. Bruno Nedelec, Ms. Catherine Marchi-Huel, Mr. David Allonsius,
Mr. Eric Severe-Jolivet, Mr. Camille Grousselas, Mr. Gérard Fellous,
Mr. Patrick Tranchant, Mr. Cedric Viale, Ms. Elisabeth Byrs

Germany

Mr. Gerhart Baum*, Mr. Wilhelm Höynck*, Mr. Klaus Metscher**,
Mr. Michael Schaefer**, Ms. Suzanne Wasum-Rainer, Mr. Christian Much,
Mr. Martin Huth, Mr. Eltje Aderhold, Mr. Peter Buschmann,
Mr. Michael Feiner, Mr. Peter Felten, Mr. Burkhard Ducoffre,
Mr. Joachim Schmitt, Ms. Martina John, Ms. Sabine Strobl,
Mr. Peter Aulmann, Mr. Almut Kaleschke, Mr. Maya Glaser,
Mr. Tajan Tober

Guatemala

Mr. Eduardo Stein Barillas*, Ms. Marta Altolaguirre**,
Mr. Luis Alberto Padilla Menéndez**, Mr. Fernando Sesenna Olivero,
Ms. Carolina Rodríguez Fankhauser, Ms. Sulmi Barrios,
Ms. Araceli Phefunchal, Ms. Ana C. Villacorta, Ms. Beatriz Méndez

Guinea

Mr. François Lonsény Fall*, Mr. Sékou Camara*

India

Ms. Savitri Kunadi*, Mr. Dilip Lahiri**, Mr. H.K. Singh**,
Mr. M.C. Bhandare, Mr. A. Gopinathan, Mr. R.P. Singh,
Mr. Gautam Mukhopadhyay, Mr. R. Venu, Mr. K.D. Maiti,
Mr. D.B. Venkatesh Varma, Mr. Amandeep Singh Gill

Indonesia

Mr. Nugroho Wisnumurti*, Mr. Agus Tarmidzi**,
Ms. Saodah B.A. Syahruddin, Mr. Kemal Munawar, Mr Eddy Pratomo,
Mr. Primanto Hendrasmoro, Mr. Mohammad Anshor, Mr. Umar Hadi,
Ms. Anita Luhulima, Mr. Troesto P. Waloejosedjati,
Mr. I. Gusti A. Wesaka Puja, Mr. Witjaksono Adji,
Mr. Clementino dos Reis Amaral, Mr. Asmara Nababan, Mr. Abdul Ghani,
Mr. Makmur Widodo, Mr. Marzuki Darusman, Mr. Florentino Sarmento,
Mr. Octavio Soares, Mr. Arif Havas Oegroseno, Mr. Dino Patti Djalal,
Mr. Domingos Maria Policarpo dos Reis, Mr. Octavio Augusto
de Jesus Osorio Soares, Mr. Florencio Mario Vieira

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Ms. Anne Anderson*, Mr. Niall Burgess, Mr. Sean McDonald,
Ms. Barbara Cullinane, Mr. Liam Herric, Mr. Patrick Drury,
Ms. Colette Kinsella

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Mr. Mario Alessi*, Mr. Roberto Toscano**, Ms. Carla Zuppetti Marini**,
Mr. Alessandro Busacca, Mr. Filippo Scammacca, Mr. Leonardo Bencini,
Mr. Luigi Citarella, Mr. Filippo Menzinger, Ms. Sabrina Sbroiavacca,
Mr. Pietro Prosperi, Ms. Veronica Avati

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Mr. Nobutoshi Akao*, Mr. Yoshiki Mine**, Mr. Wataru Hayashi**,
Mr. Shigeki Sumi**, Ms. Fumiko Saiga**, Mr. Makio Miyagawa,
Mr. Hajime Hayashi, Mr. Nobuaki Ito, Mr. Junzo Fujita,
Mr. Ken-ichi Sawada, Mr. Masaki Wada, Ms. Takako Ito, Mr. Shiro Konuma,
Ms. Yukiko Matsuda, Ms. Kyoko Kiriu, Ms. Miyuki Kitago,
Ms. Nobuko Iwatani, Ms. Masako Kinoshita, Ms. Nicole Deutsch,
Mr. Toshio Kaitani, Mr. Junya Matsuura

Luxembourg

Ms. Lydie Err*, Mr. Jacques Reuter**, Mr. Paul Duhr**,
Mr. Christian Biever, Ms. Christiane Daleiden, Ms. Beatrice Kirsch,
Mr. Alain Weber, Ms. Meyali Goy

Madagascar

Mr. Maxime Zafera*, Ms. Faralalao Rakotoniaina**,
Ms. Lala Josiane Ralaivaoarisoa, Mr. Koraiche Allaouidine

Malaysia

Mr. Tan Sri Dato' Musa Hitam*, Mr. Ali Hamidon**, Mr. Tan Seng Sung,
Ms. Puan Sri Musa Zulaikha, Mr. Ahmad Maulana Ghazi,
Mr. Ahmad Ayatillah, Ms. Ramli Rohana, Mr. Zainal Abidin Raja Nushirwan,
Mr. Mohd. Abdul Ghani Kamil

Mali

Mr. Mohamed Maïga*

Mexico

Mr. Antonio de Icaza*, Mr. Luciano Joublanc,
Mr. Benjamín Eleazar Ruíz, Mr. Arturo Hernández Basave,
Mr. Juan Manuel Gómez-Robledo Verduzco, Ms. Dolores Jiménez,
Mr. Porfirio Thierry Muñoz-Ledo, Ms. Alicia Elena Pérez Duarte y Noroña,
Ms. Berenice Díaz Ceballos, Ms. Lourdes Sosa Márquez,
Mr. Tonatiuh Romero Reyes, Mr. Edgar Arturo Cubero Gómez,
Ms. Isaura Portillo Flores

Morocco

Mr. Nacer Benjelloun Touimi*, Mr. Mohamed Majdi, Ms. Fatima El Mahboul,
Mr. Lofti Bouchaara, Ms. Fatima Bisbis, Ms. Mina Tounsi,
Ms. Jamila Antra, Mr. Hassan Jamal, Mr. Taïb Cherkaoui,
Mr. Fouad Benmekhlouf, Ms. Aicha Kabbaj

Mozambique

Ms. Frances Victoria Rodrigues*, Mr. Filipe Chidumo,
Mr. Carlos Dos Santos, Mr. Alvaro ó da Silva, Mr. Fernando Jorge Manhiça

Nepal

Mr. Madhav Prasad Khanal*, Mr. Shambhu Ram Simkhada*,
Mr. Shanker Prasad Kattel**

Pakistan

Mr. Gohar Ayub Khan*, Mr. Akram Zaki**, Mr. Munir Akram**,
Mr. Chaudhry Muhammad Sarwar Khan, Mr. Jai Jai Vishno Manga Ram,
Mr. Nihal Hashmi, Mr. Farooq Hasan, Mr. Munawar Saeed Bhatti,
Mr. Alamgir Babar, Mr. Asjad A. Khan, Ms. Kehkeshan Azhar,
Mr. Azhar Ellahi Malik, Ms. Tehmina Janjua, Mr. Mansur Raza,
Mr. Muhammad Syrus Qazi, Ms. Mariam Aftab, Mr. Javed Akhtar,
Mr. J.A. Khan

Peru

Mr. Jorge Voto-Bernales*, Mr. Javier Paulinich,
Mr. Luis Enrique Chávez, Mr. Gonzalo Guillén,
Mr. Eduardo Pérez del Solar

Philippines

Ms. Lilia R. Bautista*, Mr. Denis Y. Lepatan**, Mr. Edwin D. Bael**,
Ms. Ma. Theresa P. Lazaro, Ms. Ma. Angelina Sta. Catalina,
Ms. Monina Estrella G. Callangan, Mr. Leo Palma,
Ms. Ma. Teresa C. Lepatan, Ms. Regina Irene P. Sarmiento

Poland

Mr. Maciej Kozlowski*, Mr. Krzysztof Jakubowski*,
Mr. Kazimierz Kapera, Mr. Zbigniew Romaszewski, Ms. Katarzyna Mazela,
Ms. Joanna Wronecka, Mr. Krzysztof Drzewicki, Mr. Roman Kuzniar,
Ms. Krystyna Zurek, Mr. Jacek Tyszko, Mr. Jerzy Ciechanski,
Ms. Agnieszka Dabrowiecka, Ms. Anna Bednarek, Mr. Andrzej Sados,
Ms. Elzbieta Kudiuk

Republic of Korea

Mr. Chul Ki Ju*, Mr. Joong Keun Kim, Mr. Chong Hoon Kim,
Mr. Young Sam Ma, Mr. Young-Cheol Cha, Mr. Dae Jong Yoo,
Mr. Seong Dong Kwon, Mr. Byung Won Lee, Ms. Hyun-joo Lee,
Mr. Jin-goo Kim

Russian Federation

Mr. Vasily Sidorov*, Mr. Boris Krylov*, Mr. Teimouraz Ramishvili**,
Mr. Vladimir Parshikov**, Mr. Igor Chtcherbak**, Mr. Oleg Malguinov**,
Mr. Youri Boytchenko, Mr. Evgueni Shoultsev, Mr. Alexei Goloub,
Mr. Guennadi Diatlov, Mr. Vladimir Dolgoborodov, Mr. Vladislav Ermakov,
Mr. Vassily Koulechov, Mr. Grigory Loukiantsev,
Ms. Svetlana Maloletkova, Ms. Irina Medvedeva, Mr. Alexei Nevsky,
Ms. Anastasiya Otroshevskaya, Mr. Alexandre Petrachkov,
Ms. Valeria Rykov, Mr. Serguei Tchoumarev, Mr. Oleg Sepelev

Rwanda

Ms. Inyumba*, Mr. Gérald Gahima, Mr. Eugène-Richard Gasana,
Mr. Gérard Ntashamaje

Senegal

Mr. Moustapha Niasse*, Ms. Absa Claude Diallo, Mr. Saïdou Nourou Ba, Mr. Amadou Diop, Mr. Paul Badji, Mr. Ibou Ndiaye, Mr. Doudou Ndir, Ms. Maymouna Diop, Mr. Balla Mandaw Dia, Mr. Bassirou Sene, Mr. El Hadji Sidy Niang, Mr. Ousmane Seye, Mr. El Hadji Abdoul Aziz Ndiaye, Mr. Khaly Adama Ndour, Mr. Moussa Balla Kanouté, Mr. Cheikh Niang

South Africa

Mr. Jacob S. Selebi*, Mr. T.M.N. Kubheka*, Mr. Jack Christofides**, Mr. André F. Jacobs**, Mr. Johan Van Wyk, Mr. Isaac Mogotsi, Mr. Haiko Alfeld, Ms. T. Du Toit, Ms. Bongiwe Qwabe, Mr. André Oberholzer, Ms. Renuka Naiker, Mr. Prince Mofokeng, Ms. Shirley Mabusela, Ms. Susan Le Roux-Christofides, Ms. Ase Ellingsen, Mr. Jaime Viray, Ms. Isabelle Duret

Sri Lanka

Mr. H.M.G. Palihakkara*, Mr. P. Kariyawasam**, Ms. A.Y. Wijewardane**, Mr. W. Hettiarachchi, Mr. S.S. Ganegama Arachchi, Mr. A. Saj U. Mendis

Sudan

Mr. Ali Mohammed Othman Yassin*, Mr. Ibrahim Mirghani Ibrahim*, Mr. Ahmed Mohamed Omer Elmufti, Mr. Sharaf-Eldin Banaga, Mr. Abuel Gasim Abdelwahid Idris, Mr. Mohamed Amin Elkarib, Mr. Sirag El Din Hamid Yousif, Mr. Johannes Gurnang, Mr. Ali Ahmed El Nasri, Mr. Omer Abdel Mutalib, Ms. Intisar Abu Nagma, Mr. El Tayeb Haroon, Mr. Tarig Ali Bakheit, Mr. Ali Abdelrahman Mahmoud, Mr. Abbadi Noureldeen, Mr. Babiker El Bedri

Tunisia

Mr. Kamel Morjane*, Mr. Moncef Baati, Mr. Raouf Chatty, Mr. Abdelhamid El Abed, Mr. Mohamed Lessir, Mr. Mohamed Samir Koubaa, Mr. Mohamed Habib Cherif, Mr. Youssef Néji, Mr. Habib Slim, Ms. Emna Aouij, Ms. Holla Bach-Tobgi, Mr. Rachid Driss

Uganda

Ms. Mary Ssekaggya*, M. Alphonse Oseku, Mr. Joseph Etima, Mr. Harold Acemah, Mr. Lucian Tibaruha, Mr. Nathan Irumba, Ms. Joyce C. Banya, Mr. Kurt Neudek

Ukraine

Mr. Volodymyr Vassylenko*, Mr. Valery Kuchinsky**, Mr. Mykola Maimeskul**, Mr. Vladyslav Zozulia, Mr. Yevhen Semashko

United Kingdom of Great Britain and Northern Ireland

Ms. Audrey Glover*, Mr. Roderic Lyne**, Ms. Sarah Foulds**, Mr. David Campbell**, Mr. David Frost**, Mr. Paul Bentall, Ms. Alison Keeling, Ms. Ruma Mandal, Ms. Letitia Maxwell, Sir John Ramsden, Ms. Caroline Rowlands, Mr. Richard Thompson, Ms. Jennifer Tooze, Mr. Derek Walton, Mr. Colin Wells, Mr. Jolyon Welsh, Mr. Anthony Smith

United States of America

Ms. Nancy H. Rubin*, Mr. George E. Moose**, Ms. Roberta Cohen, Ms. Felice Gaer, Mr. Arnold S. Hiatt, Mr. Michael R. Arietti, Mr. Robert Loftis, Mr. John Shattuck, Mr. John Arbogast, Ms. Alexandra Arriaga, Dr. Kenneth Bernard, Mr. Edward Cummings, Mr. Michael Dennis, Ms. Velia de Pirro, Mr. Guillaume Hensel, Mr. Thomas Hushek, Ms. Karen Johnson, Ms. Betty King, Mr. Craig M. Kuehl, Ms. Nance Kyloh, Ms. Mary M. Lange, Mr. John Long, Mr. Richard Marshall, Ms. Valerie Mims, Mr. William Murphey, Mr. Anthony Newton, Mr. Allan Papp, Ms. Barbara Perrault, Ms. Sandra R. Smith, Ms. Susan Sutton, Ms. Lucy Tamlyn, Mr. Cornelius Walsh, Mr. Robert Ward, Mr. Steven Wagenseil, Mr. Peter Londono

Uruguay

Mr. Carlos Pérez del Castillo*, Mr. Jorge Pérez Otermin**, Mr. Carlos Sgarbi, Ms. Pamela Vivas, Ms. Laura Dupuy, Ms. Imelda Smolcic, Mr. Federico Perazza

Venezuela

Mr. Werner Corrales Leal*, Mr. Víctor Rodríguez Cedeño, Ms. Naudy Suárez Figueroa, Ms. Martha Di Felice, Ms. María Carolina Mendoza Omaña, Ms. Marta Rivera Colomina, Mr. Ricardo Salas, Ms. Ióle Touron Lugo, Mr. Carlos Ponce, Ms. María Esperanza Ruesta de Furter

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Australia, Azerbaijan, Bahrain, Belgium, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Cameroon, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Democratic People's Republic of Korea, Dominican Republic, Egypt, Equatorial Guinea, Estonia, Ethiopia, Finland, Gabon, Georgia, Ghana, Greece, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malta, Mauritania, Mauritius, Mongolia, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Portugal, Qatar, Republic of Moldova, Romania, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, Somalia, Spain, Swaziland,

Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe

Non-member States represented by observers

Holy See, Switzerland

Other observers

Palestine

United Nations

Joint Inspection Unit, Office for the Coordination of Humanitarian Affairs, United Nations Conference on Trade and Development, United Nations Institute for Training and Research, United Nations Non-governmental Liaison Service, Working Group on Indigenous Populations

United Nations bodies

Office of the United Nations High Commissioner for Refugees, United Nations Centre for Human Settlements (Habitat), United Nations Children's Fund, United Nations Development Fund for Women, United Nations Development Programme, United Nations Environment Programme, United Nations Population Fund, United Nations Volunteers, World Food Programme

Specialized agencies

Food and Agriculture Organization of the United Nations, International Labour Organization, International Monetary Fund, International Telecommunication Union, United Nations Educational, Scientific and Cultural Organization, United Nations Industrial Development Organization, World Bank, World Health Organization, World Intellectual Property Organization, World Meteorological Organization

Intergovernmental organizations

African Commission on Human and Peoples' Rights, Agency for Cultural and Technical Cooperation, Arab Labour Organization, Commonwealth Secretariat, Council of Europe, European Parliament, European Union, International Organization for Migration, League of Arab States, Organization for Security and Cooperation in Europe, Organization of African Unity, Organization of the Islamic Conference

Other organizations

International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Order of Malta

Non-governmental organizations

General consultative status

Association de volontaires pour le service international

Franciscans International

International Alliance of Women - Equal Rights, Equal Responsibilities

International Association for Religious Freedom

International Confederation of Free Trade Unions

International Council of Voluntary Agencies

International Council of Women

International Council on Social Welfare

International Institute for Non-Aligned Studies

International Movement ATD Fourth World

International Save the Children Alliance

Inter-Parliamentary Union

Parliamentarians for Global Action (for Disarmament, Development and World Reform)

Socialist International

Society for International Development

Soroptimist International

Transnational Radical Party

Women's International Democratic Federation

World Confederation of Labour

World Conference on Religion and Peace

World Federation of Democratic Youth

World Federation of Trade Unions

World Federation of United Nations Associations

World Muslim Congress

World Veterans Federation

World Wide Fund for Nature International

Zonta International

Special consultative status

African Association of Education for Development

African Commission of Health and Human Rights Promoters

African Society of International and Comparative Law

Afro-Asian People's Solidarity Organization

All India Women's Conference

American Association of Jurists

Amnesty International

Andean Commission of Jurists

Anglican Consultative Council

Anti-Slavery International

Arab Lawyers Union

Arab Organization for Human Rights

Asian Women's Human Rights Council

Association for the Advancement of Psychological Understanding of Human Nature

Non-governmental organizations

Association for the Prevention of Torture

Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina

Association tunisienne des mères

ATLAS - Association tunisienne pour l'auto-développement et la solidarité

Baha'i International Community

Baptist World Alliance

Canadian Council of Churches

Canadian Human Rights Foundation

Caritas Internationalis

Catholic Institute for International Relations

Center for Justice and International Law

Centro de Estudios Europeos

CHANGE

Christian Democrat International

Coalition against Trafficking in Women

Commission for the Defense of Human Rights in Central America

Commission of the Churches on International Affairs of the World Council of Churches

Conference of European Churches

Coordinating Board of Jewish Organizations

December Twelfth Movement International Secretariat

Defence for Children International

Earthjustice Legal Defense Fund

Education International

Equilibre

Fédération des associations pour la defense et la promotion des droits de l'homme

Federation of Cuban Women

Felix Varela Center

FEMNET - African Women Development and Communications Network

France Libertés: Fondation Danielle Mitterrand

Fraternité Notre Dame, Inc.

Friends World Committee for Consultation (Quakers)

General Arab Women Federation

General Conference of the Seventh-Day Adventists

Global Fund for Women

Habitat International Coalition

Himalayan Research and Cultural Foundation

Human Rights Advocates, Inc.

Human Rights Internet

Human Rights Watch

Inclusion International

Indian Council of Education

Indian Movement "Ttupaj Amaru"

Indigenous World Association

Inter-African Committee on Traditional Practices Affecting the Health of Women and Children

Non-governmental organizations

International Association against Torture

International Association for the Defence of Religious Liberty

International Association of Democratic Lawyers

International Centre for Human Rights and Democratic Development

International Commission of Jurists

International Council of Jewish Women

International Federation of ACAT (Action of Christians for the Abolition of Torture)

International Federation of Human Rights Leagues

International Federation of Journalists

International Federation of Social Workers

International Federation of University Women

International Federation of Women in Legal Careers

International Federation Terre des Hommes

International Fellowship of Reconciliation

International Helsinki Federation for Human Rights

International Human Rights Law Group

International Indian Treaty Council

International Institute of Humanitarian Law

International League for Human Rights

International League for the Rights and Liberation of Peoples

International Movement for Fraternal Union among Races and Peoples

International Movement of Apostolate in the Independent Social Milieus

International Organization for the Development of Freedom of Education

International Organization for the Elimination of All Forms of Racial Discrimination

International Organization of Indigenous Resource Development

International Prison Watch

International Rehabilitation Council for Torture Victims

International Service for Human Rights

International Union of Latin Notariat

International Work Group for Indigenous Affairs

Inuit Circumpolar Conference

Latin American Committee for the Defence of Women's Rights

Latin American Federation of Associations of Relatives of Disappeared Detainees

Law Association for Asia and the Pacific

Lawyers Committee for Human Rights

Lutheran World Federation

Non-governmental organizations

Movimiento cubano por la Paz y la Soberanía de los Pueblos

National Bar Association

National Council of German Women's Organizations

National Union of Jurists of Cuba

Network of Women's Non-Governmental Organizations in the Islamic Republic of Iran

New Humanity

New Human Rights

North South XXI

Organisation tunisienne de l'éducation et de la famille

OXFAM (United Kingdom and Ireland)

Pax Christi International

Pax Romana

Rehabilitation International

Reporters without Borders - International

Robert F. Kennedy Memorial

Service Peace and Justice in Latin America

Socialist International Women

Society for Threatened Peoples

Susila Dharma International Association

Treaty Four

Union of Arab Jurists

Union of International Associations

United Towns Agency for North-South Cooperation

War Resisters' International

Women's International League for Peace and Freedom

Women's International Zionist Organization

Women's National Commission

Women's World Summit Foundation

World Association of Girl Guides and Girl Scouts

World Blind Union

World Federation for Mental Health

World Federation of Methodist and Uniting Church Women

World Federation of the Deaf

World Jewish Congress

World Movement of Mothers

World Society of Victimology

World Union of Catholic Women's Organizations

World University Service

Worldview International Foundation

World Vision International

World Young Women's Christian Association

Roster

Aliran Kesedaran Negara
National Consciousness Movement

Article XIX : The International Centre against Censorship

Non-governmental organizations

Asian Buddhists Conference for Peace

Asian Cultural Forum on Development

Association for World Education

Association of World Citizens

Brahma Kumaris World Spiritual University

Centre Europe-Tiers Monde

Christian Solidarity International

European Union of Public Relations

Family Planning Association of Pakistan

FIAN - Foodfirst Information and Action Network

Friedrich Ebert Foundation

Grand Council of the Crees (Eenou Astchee)

Indian Law Resource Centre

International Catholic Society for Girls

International Council of Nurses

International Educational Development, Inc.

International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities

International Federation of Free Journalists

International Federation of Rural Adult Catholic Movements

International Human Rights Association of American Minorities

International Human Rights Internship Program

International Institute for Peace

International Movement against All Forms of Discrimination and Racism

International Peace Bureau

International PEN

International Police Association

International Progress Organization

International Right to Life Federation

International Women's Tribune Centre

Latin American Federation of Journalists

Liberation

Minority Rights Group

Movement against Racism and for Friendship among Peoples

Saami Council

SERVAS International

Soka Gakkai International

Survival International Limited

UNDA - International Catholic Association for Radio and Television

United Nations Association of Great Britain and Northern Ireland

World Alliance of Reformed Churches

World Association for the School as an Instrument of Peace

Non-governmental organizations

World Christian Life Community

World Organization against Torture

World Organization of former Students of Catholic Education

World Union for Progressive Judaism

Annex II

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

    (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

    (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

6. Question of the realization of the right to development.

7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

    (a) Torture and other cruel, inhuman or degrading treatment or punishment;

    (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

    (c) Question of enforced or involuntary disappearances;

    (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

   (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

   (b) National institutions for the promotion and protection of human rights;

   (c) Coordinating role of the Office of the United Nations High Commissioner for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

   (d) Human rights, mass exoduses and displaced persons.

10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

    (a) Question of human rights in Cyprus;

    (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

12. Racism, racial discrimination, xenophobia and related intolerance.

13. Status of the International Covenants on Human Rights.

14. Effective functioning of bodies established pursuant to United Nations human rights instruments.

15. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session.

16. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

17. Advisory services in the field of human rights.

18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

19. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

20. Rights of the child, including:

    (a) Status of the Convention on the Rights of the Child;

    (b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

    (c) Programme of Action for the prevention of the Sale of Children, Child Prostitution and Child Pornography;

    (d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

21. Follow-up to the World Conference on Human Rights.

22. The question of conscientious objection to military service.

23. Indigenous issues.

24. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

25. Draft provisional agenda for the fifty-fifth session of the Commission.

26. Report to the Economic and Social Council on the fifty-fourth session of the Commission.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-FOURTH SESSION

1. At its fifty-fourth session, the Commission on Human Rights adopted 84 resolutions and 12 decisions.

2. The majority of the resolutions and decisions relate to mandates that do not involve substantive costs or for which provisions have been made in the 1998-1999 programme budget.

3. The Commission approved a few new mandates involving minimal financial implications for the 1998-1999 programme budget. Before taking a decision on these resolutions and decisions, in accordance with regulation 13.1 of the United Nations Financial Regulations and Rules and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission was informed through oral statements of the estimated costs relating to implementation of the requests contained in the resolutions and decisions.

4. The Commission also approved the termination of one mandate.

5. It is anticipated that the requirements relating to the resolutions and decisions adopted by the Commission will be absorbed from within the provisions made under section 21 of the 1998-1999 approved programme budget for activities mandated by the Economic and Social Council. Thus no additional resources will be required under that section of the programme budget as a result of the adoption of the resolutions and decisions.

6. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Commission in 1998.

7. In the course of its fifty-fourth session, the Commission also adopted six resolutions (resolutions 1998/23, 1998/24, 1998/25, 1998/26, 1998/33 and 1998/60) (see chap. II, sect. A, above and annex V below) that relate to new mandates or to existing mandates which have been significantly expanded in scope. The administrative and programme budget implications of these resolutions are reproduced in documents E/CN.4/1998/L.94, L.95, L.96, L.98, L.97 and L.99, respectively.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FIFTY-FOURTH SESSION OF THE COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/1998/1 and Corr.1	2	Provisional agenda: note by the Secretary-General
E/CN.4/1998/1/Add.1	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/1998/2- E/CN.4/Sub.2/1997/50	15	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session
E/CN.4/1998/3- E/CN.4/Sub.2/1997/35 and Corr.1	10	Letter dated 16 July 1997 from the Permanent Representative of Indonesia to the United Nations Office at Geneva addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/1998/4- E/CN.4/Sub.2/1997/36 and Corr.1	4	Letter dated 16 July 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Officer-in-Charge, High Commissioner/Centre for Human Rights
E/CN.4/1998/5- E/CN.4/Sub.2/1997/39	8	Note verbale dated 7 August 1997 from the Permanent Mission of Georgia to the United Nations Office at Geneva addressed to the High Commissioner/Centre for Human Rights
E/CN.4/1998/6	18	Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission resolution 1997/18
E/CN.4/1998/6/Add.1	18	Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission resolution 1996/23: visit to Australia
E/CN.4/1998/6/Add.2	18	_____: visit to Germany

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/7- E/CN.4/Sub.2/1997/44	4	Letter dated 14 August 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Officer-in-Charge, High Commissioner/Centre for Human Rights
E/CN.4/1998/8- E/CN.4/Sub.2/1997/45	4	Letter dated 15 August 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Officer-in-Charge, High Commissioner/Centre for Human Rights
E/CN.4/1998/9	10	Situation of human rights in the territory of the former Yugoslavia: two trials of Kosovo Albanians charged with offences against the State in the Federal Republic of Yugoslavia in 1997: report submitted by the Special Rapporteur, Ms. Elisabeth Rehn, pursuant to paragraph 42 (c) of Commission resolution 1997/57
E/CN.4/1998/10	5	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights: progress report submitted by Ms. Fatma-Zohra Ksentini, Special Rapporteur, pursuant to Commission resolution 1997/9
E/CN.4/1998/10/Add.1	5	Idem
E/CN.4/1998/10/Add.2	5	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights: report of the Special Rapporteur, Ms. Fatma-Zohra Ksentini: mission to Africa
E/CN.4/1998/11	23	Report of the second workshop on a permanent forum for indigenous people within the United Nations system held in accordance with Commission resolution 1997/30
E/CN.4/1998/11/Add.1	23	Idem
E/CN.4/1998/11/Add.2	23	Idem

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/11/Add.3	23	Idem: [comments received]
E/CN.4/1998/12	10	Situation of human rights in the former Yugoslav Republic of Macedonia: final report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1997/57
E/CN.4/1998/13	10	Situation of human rights in the territory of the former Yugoslavia: report on the human rights situation in Bosnia and Herzegovina submitted by the Special Rapporteur, Ms. Elisabeth Rehn, pursuant to Commission resolution 1997/57
E/CN.4/1998/14	10	Situation of human rights in the territory of the former Yugoslavia: report on the situation of human rights in the Republic of Croatia submitted by Ms. Elisabeth Rehn, Special Rapporteur, pursuant to Commission resolution 1997/57
E/CN.4/1998/15	10	Situation of human rights in the territory of the former Yugoslavia: report on the situation of human rights in the Federal Republic of Yugoslavia submitted by Ms. Elisabeth Rehn, Special Rapporteur, pursuant to Commission resolution 1997/57
E/CN.4/1998/16	3	Report by the United Nations High Commissioner for Human Rights
E/CN.4/1998/17	4	Report on the situation of human rights in the Palestinian territories occupied since 1967, submitted by Mr. Hannu Halinen, Special Rapporteur, pursuant to Commission resolution 1993/2 A
E/CN.4/1998/18	4	Report of the Secretary-General
E/CN.4/1998/19	4	Note by the Secretary-General
E/CN.4/1998/20	4	Report of the Secretary-General
E/CN.4/1998/21	5	The right to food: report of the High Commissioner for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/22- E/CN.6/1998/11	5	Women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources: report of the Secretary-General
E/CN.4/1998/23	5	Human rights and extreme poverty: report of the High Commissioner for Human Rights on the creation of microcredit programmes
E/CN.4/1998/24	5	Report of the Secretary-General submitted pursuant to Commission resolution 1997/10
E/CN.4/1998/25	5	Report of the Secretary-General pursuant to Commission resolution 1997/17
E/CN.4/1998/26	5	Note by the Secretariat
E/CN.4/1998/27	5	Idem
E/CN.4/1998/28	6	Report of the Secretary-General submitted in accordance with Commission resolution 1997/72
E/CN.4/1998/28/Add.1	6	Idem
E/CN.4/1998/29	6	Report of the Intergovernmental Group of Experts on the Right to Development on its second session
E/CN.4/1998/30	7	Situation in occupied Palestine: report of the Secretary-General
E/CN.4/1998/31	7	Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1995/5 and Commission decision 1997/120
E/CN.4/1998/31/Add.1		Idem
E/CN.4/1998/32	8	Human rights and forensic science: report of the Secretary-General
E/CN.4/1998/32/Add.1	8	Idem

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/33	8	Security of United Nations personnel: report of the Secretary-General
E/CN.4/1998/34	8	Views and comments received from States on the note and revised draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law: report of the Secretary-General
E/CN.4/1998/35	8	Children and juveniles in detention: report of the Secretary-General submitted pursuant to Commission decision 1997/106
E/CN.4/1998/36/Rev.1	8 (b)	Report of the Secretary-General
E/CN.4/1998/37	8 (a)	United Nations Voluntary Fund for Victims of Torture: report of the Secretary-General
E/CN.4/1998/37/Add.1	8 (a)	Idem
E/CN.4/1998/37/Add.2	8 (a)	Idem
E/CN.4/1998/38	8 (a)	Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission resolution 1997/38
E/CN.4/1998/38/Add.1	8 (a)	_____: summary of cases transmitted to Governments and replies received
E/CN.4/1998/38/Add.2	8 (a)	_____: visit by the Special Rapporteur to Mexico
E/CN.4/1998/39	8	Report of the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy
E/CN.4/1998/39/Add.1	8	_____: report on the mission of the Special Rapporteur to Peru
E/CN.4/1998/39/Add.2	8	_____: report on the mission of the Special Rapporteur to Colombia
E/CN.4/1998/39/Add.3	8	_____: interim report on the mission of the Special Rapporteur to Belgium

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/39/Add.4	8	_____: report on the mission of the Special Rapporteur to the United Kingdom of Great Britain and Northern Ireland
E/CN.4/1998/39/Add.5	8	_____: recent developments in Malaysia
E/CN.4/1998/40	8	Promotion and protection of the right to freedom of opinion and expression: report of the Special Rapporteur, Mr. Abid Hussain, submitted pursuant to Commission resolution 1997/27
E/CN.4/1998/40/Add.1	8	_____: report on the mission of the Special Rapporteur to Belarus
E/CN.4/1998/40/Add.2	8	_____: report on the mission of the Special Rapporteur to Poland
E/CN.4/1998/41	8	Annual report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and states of emergency: note by the Secretary-General
E/CN.4/1998/41/Add.1	8	Idem
E/CN.4/1998/42 and Corr.1	8 (d)	Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
E/CN.4/1998/43	8 (c)	Report of the Working Group on Enforced or Involuntary Disappearances
E/CN.4/1998/44	8	Report of the Working Group on Arbitrary Detention
E/CN.4/1998/44/Add.1	8	_____: decisions and opinions adopted by the Working Group on Arbitrary Detention
E/CN.4/1998/44/Add.2	8	_____: visit to China
E/CN.4/1998/45	9 and 21	Note by the United Nations High Commissioner for Human Rights
E/CN.4/1998/46	9	Human rights and thematic procedures: note by the Secretariat

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/47	9	National institutions for the promotion and protection of human rights: report of the Secretary-General submitted in accordance with Commission resolution 1997/40
E/CN.4/1998/48	9	Human rights and terrorism: note by the Secretary-General
E/CN.4/1998/49	9 (a)	The question of integrating the human rights of women throughout the United Nations system: report of the Secretary-General
E/CN.4/1998/49/Add.1	9	Integrating the human rights of women into the human rights mechanisms of the United Nations: note by the Secretariat
E/CN.4/1998/50	9	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region: report of the Secretary-General submitted in accordance with paragraph 27 of Commission resolution 1997/45
E/CN.4/1998/51	9 (d)	Human rights and mass exoduses: report of the High Commissioner for Human Rights submitted pursuant to Commission resolution 1997/75
E/CN.4/1998/52	9 (c)	Strengthening of the Office of the United Nations High Commissioner for Human Rights: report of the High Commissioner
E/CN.4/1998/52/Add.1	9 (c)	Report of the United Nations High Commissioner for Human Rights pursuant to paragraph 5 (f) of Commission resolution 1997/76
E/CN.4/1998/53	9 (d)	Internally displaced persons: report of the representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39
E/CN.4/1998/53/Add.1	9 (d)	_____: Compilation and Analysis of Legal Norms, Part II: Legal Aspects relating to Protection against Arbitrary Displacement

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/53/Add.2	9 (d)	_____: Guiding principles on internal displacement
E/CN.4/1998/54	9 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission resolution 1997/44
E/CN.4/1998/54/Add.1	9 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy: report on the mission to Rwanda on the issue of violence against women in situations of armed conflict
E/CN.4/1998/55	10 (a)	Report of the Secretary-General submitted pursuant to Commission decision 1997/121
E/CN.4/1998/56	10	Human rights situation in southern Lebanon and western Bekaa: report of the Secretary-General
E/CN.4/1998/57	10	Cooperation with representatives of United Nations human rights bodies: report of the Secretary-General submitted in accordance with Commission resolution 1997/56
E/CN.4/1998/58	10	Situation in East Timor: report of the Secretary-General
E/CN.4/1998/59 and Corr.1	10	Report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission on Human Rights, Mr. Maurice Copithorne, pursuant to Commission resolution 1997/54
E/CN.4/1998/60	10	Report on the situation of human rights in Rwanda submitted by the Special Representative of the Commission on Human Rights, Mr. Michel Moussalli, pursuant to Commission resolution 1997/66
E/CN.4/1998/61	10	Human Rights Field Operation in Rwanda: report of the United Nations High Commissioner for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/62	10	Situation of human rights in Nigeria: report submitted by the Special Rapporteur, Mr. Soli Jehangir Sorabjee, pursuant to Commission resolution 1997/53
E/CN.4/1998/63	10	Situation of human rights in the territory of the former Yugoslavia: final report of Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia
E/CN.4/1998/64	10	Report on allegations of massacres and other human rights violations occurring in eastern Zaire (now the Democratic Republic of the Congo) since September 1996, prepared by Mr. Roberto Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Bacre Waly N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Mr. Jonas Foli, member of the Working Group on Enforced or Involuntary Disappearances, pursuant to paragraph 6 (a) of Commission resolution 1997/58
E/CN.4/1998/65 and Corr.1	10	Report on the situation of human rights in the Democratic Republic of the Congo submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission resolution 1997/58
E/CN.4/1998/66	10	Situation of human rights in the Sudan: report of the Special Rapporteur, Mr. Gáspár Bíró, submitted in accordance with Commission resolution 1997/59
E/CN.4/1998/67	10	Report on the situation of human rights in Iraq submitted by the Special Rapporteur, Mr. Max van der Stoel, in accordance with Commission resolution 1997/60
E/CN.4/1998/68 and Corr.1	10	Extrajudicial, summary or arbitrary executions: report of the Special Rapporteur, Mr. Bacre Waly N'diaye, submitted pursuant to Commission resolution 1997/61

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/68/Add.1	10	______: country situations
E/CN.4/1998/68/Add.2	10	______: visit to Sri Lanka
E/CN.4/1998/68/Add.3	10	______: mission to the United States of America
E/CN.4/1998/69	10	Report on the situation of human rights in Cuba submitted by the Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1997/62
E/CN.4/1998/70	10	Situation of human rights in Myanmar: report of the Special Rapporteur, Mr. Rajsoomer Lallah, submitted in accordance with Commission resolution 1997/64
E/CN.4/1998/71	10	Situation of human rights in Afghanistan: report of the Special Rapporteur, Mr. Choong-Hyun Paik, submitted in accordance with Commission resolution 1997/65
E/CN.4/1998/72	10	Third report on the situation of human rights in Burundi submitted by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, in accordance with Commission resolution 1997/77
E/CN.4/1998/73	10	Report on the situation of human rights in Equatorial Guinea submitted by the Special Rapporteur, Mr. Alejandro Artucio, pursuant to Commission resolution 1997/67
E/CN.4/1998/73/Add.1	10	Idem
E/CN.4/1998/74	11	Report of the Secretary-General on violence against women migrant workers
E/CN.4/1998/74/Add.1	11	Idem
E/CN.4/1998/75	11	Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and efforts made by the Secretariat to promote the Convention: report of the Secretary-General

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/76	11	Report of the working group of intergovernmental experts on the human rights of migrants submitted in accordance with Commission resolution 1997/15
E/CN.4/1998/77	12	Report of the Secretary-General
E/CN.4/1998/77/Add.1	12	Seminar on Immigration, Racism and Racial Discrimination: report of the Secretary-General
E/CN.4/1998/77/Add.2	12	Report of the expert seminar on the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination
E/CN.4/1998/78	12	Report of the Secretary-General
E/CN.4/1998/79	12	Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission resolution 1997/73
E/CN.4/1998/80		[Symbol not used]
E/CN.4/1998/81		[Symbol not used]
E/CN.4/1998/82 and Corr.1	13	Question of the death penalty: report of the Secretary-General submitted pursuant to Commission resolution 1997/12
E/CN.4/1998/83	13	Report of the Secretary-General
E/CN.4/1998/84	13	Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights: report of the Secretary-General
E/CN.4/1998/84/Add.1	13	Idem
E/CN.4/1998/85 and Corr.1	14	Report of the Secretary-General
E/CN.4/1998/85/Add.1	14	Idem
E/CN.4/1998/86	15	Note by the Secretary-General

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/87	15	Minimum humanitarian standards: analytical report of the Secretary-General on the issue of fundamental standards of humanity submitted pursuant to Commission resolution 1997/21
E/CN.4/1998/87/Add.1	15	Idem: views and information received from States and United Nations bodies
E/CN.4/1998/88	15	Report of Mr. José Bengoa, Chairman of the Sub-Commission at its forty-ninth session, prepared in accordance with paragraph 10 of Commission on Human Rights resolution 1997/22
E/CN.4/1998/89	15	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: report of the Secretary-General
E/CN.4/1998/90	16	Report of the Secretary-General
E/CN.4/1998/91	16	Note by the Secretariat
E/CN.4/1998/92	17	Technical cooperation in the field of human rights: report of the Secretary-General
E/CN.4/1998/93	17	Assistance to Guatemala in the field of human rights: report of the members of the Secretary-General's mission to Guatemala, Mr. Alberto Díaz Uribe, Mr. Diego García-Sayán and Mr. Yvon Le Bot, on the evolution of the situation of human rights in Guatemala in the light of the implementation of the peace agreements, submitted in accordance with Commission resolution 1997/51
E/CN.4/1998/94	17	Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights: report of the Secretary-General

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/95	17	Situation of human rights in Cambodia: report of the Special Representative of the Secretary-General for human rights in Cambodia, Mr. Thomas Hammarberg, submitted in accordance with Commission resolution 1997/49: report of the Secretary-General
E/CN.4/1998/96	10	Situation of human rights in Somalia: report of the independent expert, Ms. Mona Rishmawi, submitted in accordance with Commission resolution 1997/47
E/CN.4/1998/97	17	Situation of human rights in Haiti: note by the Secretariat
E/CN.4/1998/98	19	Report of the working group on its thirteenth session
E/CN.4/1998/99	20 (a)	Report of the Secretary-General
E/CN.4/1998/100	20 (c)	Note by the Secretary-General
E/CN.4/1998/101	20 (b)	Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos
E/CN.4/1998/101/Add.1	20 (b)	_____: report on the mission of the Special Rapporteur to Kenya on the issue of commercial sexual exploitation of children
E/CN.4/1998/101/Add.2	20 (b)	_____: report on the mission of the Special Rapporteur to Mexico on the issue of commercial sexual exploitation of children
E/CN.4/1998/102	20	Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts on its fourth session
E/CN.4/1998/102/Add.1	20	Idem
E/CN.4/1998/103	20 (d)	Report of the working group on its fourth session

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/104 and Corr.1 and 2	3 and 21	Five-year Review of the Implementation of the Vienna Declaration and Programme of Action: interim report of the United Nations High Commissioner for Human Rights
E/CN.4/1998/105		[Symbol not used]
E/CN.4/1998/106 and Corr.1	23	Report of the working group established in accordance with Commission resolution 1995/32
E/CN.4/1998/107	23	Activities undertaken for the International Decade of the World's Indigenous People: report of the United Nations High Commissioner for Human Rights
E/CN.4/1998/108	24	Note by the Secretary-General
E/CN.4/1998/108/Add.1	24	Idem
E/CN.4/1998/108/Add.2	24	Idem
E/CN.4/1998/109	3	Statistics relating to the fifty-third session of the Commission on Human Rights: note by the Secretariat
E/CN.4/1998/110	5	Note by the Secretary-General
E/CN.4/1998/111	8	Idem
E/CN.4/1998/112	4	Letter dated 8 September 1997 from the Assistant Secretary-General of the League of Arab States and Head of Directorate-General for Palestinian Affairs addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1998/113	10	Letter dated 27 June 1997 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Special Rapporteur on extrajudicial, summary or arbitrary executions

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/114	10	Note verbale dated 13 October 1997 from the Permanent Mission of Bahrain to the United Nations Office at Geneva addressed to the Secretary-General
E/CN.4/1998/115	18	Note verbale dated 21 October 1997 from the Permanent Mission of Georgia to the United Nations Office at Geneva addressed to the High Commissioner/Centre for Human Rights
E/CN.4/1998/116	4 and 9	Letter dated 16 June 1997 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/117	3	Letter dated 18 July 1997 from the head of the delegation of the United States of America to the Commission on Human Rights addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/118	9 (d)	Human rights and arbitrary deprivation of nationality: note by the Secretary-General
E/CN.4/1998/119	20	Children in armed conflict: interim report of the Special Representative of the Secretary-General on the impact of armed conflict on children, Mr. Olara A. Otunnu, submitted pursuant to General Assembly resolution 52/107
E/CN.4/1998/120		[Symbol not used]
E/CN.4/1998/121	18	Note by the Secretariat
E/CN.4/1998/122	3 and 21	Report of the United Nations High Commissioner for Human Rights
E/CN.4/1998/123	3	Letter dated 13 January 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/124- E/CN.4/Sub.2/1998/2	4 and 12	Letter dated 14 January 1998 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Acting Deputy High Commissioner for Human Rights
E/CN.4/1998/125	4, 7 and 12	Letter dated 6 February 1998 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/126	10	Note by the Secretariat
E/CN.4/1998/127	10	Note verbale dated 9 February 1998 from the Permanent Mission of Bahrain to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
E/CN.4/1998/128	4 and 12	Letter dated 16 February 1998 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/129	8	Note verbale dated 23 February 1998 from the Permanent Mission of Bahrain to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
E/CN.4/1998/130	10	Letter dated 25 February 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/131	12	Note by the Secretariat
E/CN.4/1998/132	10	Letter dated 9 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/133	4	Letter dated 11 March 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1998/134	4	Idem
E/CN.4/1998/135	3	Letter dated 10 March 1998 from the Deputy Minister for Foreign Affairs of Colombia addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1998/136	4	Letter dated 13 March 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1998/137	4	Letter dated 15 March 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights and to the Chairman of the Commission on Human Rights
E/CN.4/1998/138	9 (d) and 10	Letter dated 13 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/139	8 and 10	Idem
E/CN.4/1998/140/Rev.1	10	Letter dated 16 March 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1998/141	4	Letter dated 12 March 1998 from the Chairman of the Group of Arab States addressed to the United Nations High Commissioner for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/142	10	Note verbale dated 10 March 1998 from the Ministry of Foreign Affairs of the Democratic Republic of the Congo addressed to the United Nations Secretariat
E/CN.4/1998/143	10	Letter dated 17 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Bulgaria to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/144	4	Letter dated 15 March 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1998/145	4	Letter dated 17 March 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1998/146		[Symbol not used]
E/CN.4/1998/147	10	Letter dated 23 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/148	10	Idem
E/CN.4/1998/149	10	Note verbale dated 10 March 1998 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1998/150	10	Note verbale dated 25 March 1998 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/151	9	Letter dated 25 March 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1998/152	10, 15 and 16	Letter dated 25 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/153	8	Letter dated 31 March 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/154	10	Letter dated 27 March 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1998/155		[Symbol not used]
E/CN.4/1998/156	13	Question of the death penalty: letter dated 31 March 1998 addressed to the Chairman of the Commission on Human Rights by the delegations of Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burundi, China, the Democratic Republic of the Congo, Egypt, Ghana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nigeria, Oman, the Philippines, Qatar, Rwanda, Saudi Arabia, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Tajikistan, the United Arab Emirates, the United Republic of Tanzania, Viet Nam and Yemen
E/CN.4/1998/156/Add.1	13	Question of the death penalty

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/157	9 (d)	Letter dated 30 March 1998 from the Deputy Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/158	17	Situation of human rights in Haiti: note by the Secretariat
E/CN.4/1998/159	4	Letter dated 2 April 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights and to the Chairman of the Commission on Human Rights
E/CN.4/1998/160	16	Note verbale dated 3 April 1998 from the Permanent Mission of Latvia to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1998/161	10	Letter dated 17 April 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/162	17	Letter dated 6 April 1998 from the Adviser on Human Rights to the Secretariat of State for Foreign Affairs of the Dominican Republic addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/163	10	Letter dated 9 April 1998 from the Secretary-General addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1998/164	10	Letter dated 8 April 1998 from the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia addressed to the Chairman of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/165	8 and 10	Letter dated 8 April 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/166	10	Letter dated 14 April 1998 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/167	16	Letter dated 14 April 1998 from the Chargé d'affaires of the Permanent Mission of Latvia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/168	10	Letter dated 19 April 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/169	10	Letter dated 20 April 1998 from the Permanent Representative of India to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/170	3	Letter dated 20 April 1998 from the Permanent Representative of Algeria to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/171	10	Note verbale dated 20 April 1998 from the Permanent Mission of Bosnia and Herzegovina to the United Nations Office at Geneva addressed to the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1998/172	10	Letter dated 16 April 1998 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights, submitting the memorandum presented by the True Representatives of the Kashmiri people to the Organization of the Islamic Conference Contact Group on Jammu and Kashmir on 15 April 1998
E/CN.4/1998/173	22	Letter dated 22 April 1998 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/174	10	Letter dated 23 April 1998 from the head of the delegation of the United States of America to the Commission on Human Rights addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/175	3	Note by the Secretariat
E/CN.4/1998/176	8	Letter dated 22 April 1998 from the Permanent Representative of Switzerland to the international organizations in Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1998/SR.1-60 a/ and E/CN.4/1998/SR.1-60/Corrigendum		Summary records of the meetings of the fifty-fourth session of the Commission and consolidated corrigendum thereto

Documents issued in the limited series

Symbol	Agenda item	
E/CN.4/1998/L.1	25	Note by the Secretary-General
E/CN.4/1998/L.2	3	Organization of the work of the session: draft resolution
E/CN.4/1998/L.3	4	Question of the violation of human rights in the occupied Arab territories, including Palestine: draft resolution
E/CN.4/1998/L.4	7	Situation in occupied Palestine: draft resolution
E/CN.4/1998/L.5	4	Human rights in the occupied Syrian Golan: draft resolution
E/CN.4/1998/L.6	7	Question of Western Sahara: draft resolution proposed by the Chairman
E/CN.4/1998/L.7	4	Israeli settlements in the occupied Arab territories: draft resolution
E/CN.4/1998/L.8	7	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination: draft resolution
E/CN.4/1998/L.9	5	Human rights and unilateral coercive measures: draft resolution
E/CN.4/1998/L.10 and Add.1-21	26	Draft report of the Commission on its fifty-fourth session
E/CN.4/1998/L.11 and Add.1-8	26	Idem
E/CN.4/1998/L.12	13	Question of the death penalty: draft resolution
E/CN.4/1998/L.13	13	Status of the International Covenants on Human Rights: draft resolution
E/CN.4/1998/L.14	13	Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide: draft resolution

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Symbol	Agenda item	
E/CN.4/1998/L.15	14	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights: draft resolution
E/CN.4/1998/L.16	5	The right to food: draft resolution
E/CN.4/1998/L.17	5	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development: draft resolution
E/CN.4/1998/L.18	19	Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms: draft resolution
E/CN.4/1998/L.19	6	The right to development: draft resolution
E/CN.4/1998/L.20/Rev.1	5	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights: draft resolution
E/CN.4/1998/L.21	5	Proposed amendments to draft resolution E/CN.4/1998/L.20
E/CN.4/1998/L.22	23	Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People: draft resolution
E/CN.4/1998/L.23	23	Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/1998/L.24	23	A permanent forum for indigenous people in the United Nations system: draft resolution
E/CN.4/1998/L.25	16	Tolerance and pluralism as indivisible elements in the promotion and protection of human rights: draft resolution
E/CN.4/1998/L.26		[Symbol not used]
E/CN.4/1998/L.27	11	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: draft resolution
E/CN.4/1998/L.28	11	Migrants and human rights: draft resolution
E/CN.4/1998/L.29	5	Human rights and extreme poverty: draft resolution
E/CN.4/1998/L.30	11	Violence against women migrant workers: draft resolution
E/CN.4/1998/L.31	5	Effects of structural adjustment policies on the full enjoyment of human rights: draft decision
E/CN.4/1998/L.32	16	Situation of human rights in Latvia: draft resolution
E/CN.4/1998/L.33	16	Rights of persons belonging to national or ethic, religious and linguistic minorities: draft resolution
E/CN.4/1998/L.34	18	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief: draft resolution
E/CN.4/1998/L.35	5	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights: draft resolution

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Symbol	Agenda item	
E/CN.4/1998/L.36/Rev.1	12	Recognition of slavery and the slave trade as a crime against humanity: draft resolution
E/CN.4/1998/L.37	12	Racism, racial discrimination, xenophobia and related intolerance: draft resolution
E/CN.4/1998/L.38	16	Proposed amendments to draft resolution E/CN.4/1998/L.25
E/CN.4/1998/L.39	17	Assistance to Guatemala in the field of human rights: draft resolution
E/CN.4/1998/L.40	20	Abduction of children from northern Uganda: draft resolution
E/CN.4/1998/L.41/Rev.1	9	Enhancement of international cooperation in the field of human rights: draft resolution
E/CN.4/1998/L.42	9	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region: draft resolution
E/CN.4/1998/L.43	8	Hostage-taking: draft resolution
E/CN.4/1998/L.44	17	Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights: draft resolution
E/CN.4/1998/L.45	15	Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: draft resolution
E/CN.4/1998/L.46	15	Human rights and scientific and technological developments: draft resolution
E/CN.4/1998/L.47	15	Question of human rights and states of emergency: draft decision
E/CN.4/1998/L.48	15	Study concerning the right to freedom of movement: draft decision

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/1998/L.49	8 (d)	Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: draft resolution
E/CN.4/1998/L.50	15	Minimum humanitarian standards: draft resolution
E/CN.4/1998/L.51	17	Situation of human rights in Haiti: draft resolution
E/CN.4/1998/L.52	9	United Nations Decade for Human Rights Education: draft resolution
E/CN.4/1998/L.53	8	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers: draft resolution
E/CN.4/1998/L.54	8	Human rights and forensic science: draft resolution
E/CN.4/1998/L.55	8	United Nations staff: draft resolution
E/CN.4/1998/L.56	8 (a)	Torture and other cruel, inhuman or degrading treatment or punishment: draft resolution
E/CN.4/1998/L.57	15	Traffic in women and girls: draft resolution
E/CN.4/1998/L.58	8	Human rights in the administration of justice, in particular of children and juveniles in detention: draft resolution
E/CN.4/1998/L.59	15	Human rights of persons with disabilities: draft resolution
E/CN.4/1998/L.60	8 (c)	Question of enforced or involuntary disappearances: draft resolution
E/CN.4/1998/L.61	8	Question of arbitrary detention: draft resolution
E/CN.4/1998/L.62	8	Right to freedom of opinion and expression: draft resolution
E/CN.4/1998/L.63	9	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights: draft resolution

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Symbol	Agenda item	
E/CN.4/1998/L.64	9 (a)	Human rights and terrorism: draft resolution
E/CN.4/1998/L.65	9	Human rights and arbitrary deprivation of nationality: draft resolution
E/CN.4/1998/L.66	17	Assistance to Somalia in the field of human rights: draft resolution
E/CN.4/1998/L.67	9	Human rights and mass exoduses: draft resolution
E/CN.4/1998/L.68	9 (d)	Internally displaced persons: draft resolution
E/CN.4/1998/L.69	9	Integrating the human rights of women throughout the United Nations system: draft resolution
E/CN.4/1998/L.70	9	The elimination of violence against women: draft resolution
E/CN.4/1998/L.71	17	Situation of human rights in Cambodia: draft resolution
E/CN.4/1998/L.72	9	Impunity: draft resolution
E/CN.4/1998/L.73	9	Human rights and thematic procedures: draft resolution
E/CN.4/1998/L.74	9	Towards a culture of peace: draft resolution
E/CN.4/1998/L.75	9 (b)	National institutions for the promotion and protection of human rights: draft resolution
E/CN.4/1998/L.76	8	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms: draft resolution
E/CN.4/1998/L.77/Rev.1	9	Fiftieth anniversary of the Universal Declaration of Human Rights: draft resolution
E/CN.4/1998/L.78	10	Situation of human rights in the Democratic Republic of the Congo: draft resolution

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Symbol	Agenda item	
E/CN.4/1998/L.79	15	Privatization of prisons: draft resolution
E/CN.4/1998/L.80	10	Human rights situation in southern Lebanon and western Bekaa: draft resolution
E/CN.4/1998/L.81/Rev.1	10	Situation of human rights in Myanmar: draft resolution
E/CN.4/1998/L.82	10	Situation of human rights in East Timor: draft resolution
E/CN.4/1998/L.83	10	Situation of human rights in Nigeria: draft resolution
E/CN.4/1998/L.84	20	Proposed amendments to draft resolution E/CN.4/1998/L.40
E/CN.4/1998/L.85	10	Situation of human rights in Iraq: draft resolution
E/CN.4/1998/L.86/Rev.1	10	Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia: draft resolution
E/CN.4/1998/L.87	10	Cooperation with representatives of United Nations human rights bodies: draft resolution
E/CN.4/1998/L.88	10	Situation of human rights in the Sudan: draft resolution
E/CN.4/1998/L.89	10	Situation of human rights in Cuba: draft resolution
E/CN.4/1998/L.90	10	Extrajudicial, summary or arbitrary executions: draft resolution
E/CN.4/1998/L.91	10	Situation of human rights in Afghanistan: draft resolution
E/CN.4/1998/L.92	20	Rights of the child: draft resolution
E/CN.4/1998/L.93	22	Conscientious objection to military service: draft resolution

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Symbol	Agenda item	
E/CN.4/1998/L.94	5	Administrative and programme budget implications of draft resolution E/CN.4/1998/L.16
E/CN.4/1998/L.95	5	Administrative and programme budget implications of draft resolution E/CN.4/1998/L.17
E/CN.4/1998/L.96	5	Administrative and programme budget implications of draft resolution E/CN.4/1998/L.29
E/CN.4/1998/L.97	5	Administrative and programme budget implications of draft resolution E/CN.4/1998/L.35
E/CN.4/1998/L.98	12	Administrative and programme budget implications of draft resolution E/CN.4/1998/L.37
E/CN.4/1998/L.99	17	Administrative and programme budget implications of draft resolution E/CN.4/1998/L.71
E/CN.4/1998/L.100	10	Situation of human rights in the Islamic Republic of Iran: draft resolution
E/CN.4/1998/L.101	10	Situation of human rights in Rwanda: draft resolution
E/CN.4/1998/L.102/Rev.1	10	Situation of human rights in Burundi: draft resolution
E/CN.4/1998/L.103	21	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action: draft resolution
E/CN.4/1998/L.104	10	Situation of human rights in Equatorial Guinea and assistance in the field of human rights: draft resolution
E/CN.4/1998/L.105	10	Proposed amendments to draft resolution E/CN.4/1998/L.100

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Symbol	Agenda item	
E/CN.4/1998/L.106	25	Restructuring of the Commission's agenda: Chairman's proposal
E/CN.4/1998/L.107	3	Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations: draft resolution proposed by the Chairman

Documents issued in the non-governmental organization series

Symbol	Agenda item	
E/CN.4/1998/NGO/1	15	Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster
E/CN.4/1998/NGO/2	20	Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status
E/CN.4/1998/NGO/3	5 and 9	Written statement submitted by the Latin American Committee for the Defence of Women's Rights, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/4	5	Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster
E/CN.4/1998/NGO/5	8	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/6	10	Idem
E/CN.4/1998/NGO/7	10	Idem
E/CN.4/1998/NGO/8	8	Idem
E/CN.4/1998/NGO/9	8	Idem
E/CN.4/1998/NGO/10	23	Idem
E/CN.4/1998/NGO/11	10	Written statement submitted by the International Human Rights Law Group, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/12	10	Written statement submitted by the Centro de Estudios Europeos, a non-governmental organization in special consultative status

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Symbol	Agenda item	
E/CN.4/1998/NGO/13	10	Written statement submitted by the Baha'i International Community, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/14	16	Idem
E/CN.4/1998/NGO/15	20	Idem
E/CN.4/1998/NGO/16	3	Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/17	14	Idem
E/CN.4/1998/NGO/18	8 and 10	Idem
E/CN.4/1998/NGO/19	8 and 9	Idem
E/CN.4/1998/NGO/20	8	Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/21	5	Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/22	22	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/23	6	Joint written statement submitted by: Indian Movement "Tupaj Amaru", Indigenous World Association, non-governmental organizations in special consultative status
E/CN.4/1998/NGO/24	9 (d)	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/25	5 and 6	Joint written statement submitted by: American Association of Jurists, International League for the Rights and Liberation of Peoples, non-governmental organizations in special consultative status
E/CN.4/1998/NGO/26	7	Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status
E/CN.4/1998/NGO/27	18	Idem
E/CN.4/1998/NGO/28	22	Idem
E/CN.4/1998/NGO/29	10	Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/30	7	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/31	23	Joint written statement submitted by: Indian Movement "Tupaj Amaru", Indigenous World Association, non-governmental organizations in special consultative status
E/CN.4/1998/NGO/32	23	Written statement submitted by the Union of Arab Jurists, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/33	23	Written statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/34	23	Written statement submitted by North South XXI, a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/35	23	Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in general consultative status
E/CN.4/1998/NGO/36	16	Written statement submitted by Fraternité Notre Dame, Inc., a non-governmental organization in special consultative status
E/CN.4/1998/NGO/37	18	Idem
E/CN.4/1998/NGO/38	20	Idem
E/CN.4/1998/NGO/39	10	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/40	10	Joint written statement submitted by: Franciscans International, a non-governmental organization in general consultative status; American Association of Jurists, France Libertés: Fondation Danielle Mitterrand, International Association of Democratic Lawyers, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, International Prison Watch, non-governmental organizations in special consultative status; World Organization against Torture, a non-governmental organization on the Roster
E/CN.4/1998/NGO/41	10	Joint written statement submitted by: International Alliance of Women - Equal Rights, Equal Responsibilities, Women's International Democratic Federation, World Federation of Democratic Youth, non-governmental organizations in general consultative status; Women's International League for Peace and Freedom, World Association of Girl Guides and Girl Scouts, World Student Christian Federation, non-governmental organizations in special consultative status

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/42	9	Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/43	11	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1998/NGO/44	5	Idem
E/CN.4/1998/NGO/45	13	Idem
E/CN.4/1998/NGO/46	10	Written statement submitted by Reporters without Borders - International, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/47	9	Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/48	15	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1998/NGO/49	16	Written statement submitted by Caucasians United for Reparations and Emancipation, a non-governmental organization on the Roster
E/CN.4/1998/NGO/50	8	Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/51	9	Idem
E/CN.4/1998/NGO/52	10	Idem
E/CN.4/1998/NGO/53	11	Idem
E/CN.4/1998/NGO/54	15	Idem
E/CN.4/1998/NGO/55	16	Idem

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Symbol	Agenda item	
E/CN.4/1998/NGO/56	17	*Idem*
E/CN.4/1998/NGO/57	18	*Idem*
E/CN.4/1998/NGO/58	20	*Idem*
E/CN.4/1998/NGO/59	21	*Idem*
E/CN.4/1998/NGO/60	8	Written statement submitted by the International Association against Torture, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/61	4	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/62	13	*Idem*
E/CN.4/1998/NGO/63	5	*Idem*
E/CN.4/1998/NGO/64	6	*Idem*
E/CN.4/1998/NGO/65	7	Written statement submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/66	20	*Idem*
E/CN.4/1998/NGO/67	8	*Idem*
E/CN.4/1998/NGO/68	21	Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization in special consultative status
E/CN.4/1998/NGO/69	9 (d)	*Idem*
E/CN.4/1998/NGO/70	9	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in general consultative status
E/CN.4/1998/NGO/71	9	*Idem*

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/72	8 (c)	Written statement submitted by the Fédération des associations pour la défense et la promotion des droits de l'homme, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/73		[Symbol not used]
E/CN.4/1998/NGO/74	16	Written statement submitted by the Fédération des associations pour la défense et la promotion des droits de l'homme, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/75	20 (d)	Idem
E/CN.4/1998/NGO/76	5	Written statement submitted by the International Organization for the Development of Freedom of Education, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/77	5	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/78	10	Idem
E/CN.4/1998/NGO/79	10	Idem
E/CN.4/1998/NGO/80	4	Idem
E/CN.4/1998/NGO/81	8	Idem
E/CN.4/1998/NGO/82	8	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/83	20	Idem
E/CN.4/1998/NGO/84	12	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/85	10 and 16	Idem
E/CN.4/1998/NGO/86	16	Idem

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/87	23	Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster
E/CN.4/1998/NGO/88	8 (a)	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/89	7	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/1998/NGO/90	8	Idem
E/CN.4/1998/NGO/91	10	Idem
E/CN.4/1998/NGO/92	21	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/93	10	Joint written statement submitted by: Amnesty International, Human Rights Watch, International Federation of Human Rights Leagues, Reporters without Borders - International, non-governmental organizations in special consultative status
E/CN.4/1998/NGO/94	13	Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/95	8	Written statement submitted by the International Federation of Journalists, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/96	10	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/97	5 and 6	Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster

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Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/98	12	Written statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/99	15	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/100	5	Written statement submitted by Pax Romana, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/101	10	Joint written statement submitted by: Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, non-governmental organizations in general consultative status; African Commission of Health and Human Rights Promoters, CHANGE, Indigenous World Association, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Federation of Women in Legal Careers, International League for the Rights and Liberation of Peoples, North South XXI, Pax Christi International, Pax Romana, United Towns Agency for North-South Cooperation, Worldview International Foundation, non-governmental organizations in special consultative status; Centre Europe-Tiers Monde, International Educational Development, Inc., International Federation of Free Journalists, Movement against Racism and for Friendship among Peoples, World Organization against Torture, non-governmental organizations on the Roster.
E/CN.4/1998/NGO/102	16	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/103	10 (a)	Idem

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/104		[Symbol not used]
E/CN.4/1998/NGO/105		[Symbol not used]
E/CN.4/1998/NGO/106	10	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/107	9	Written statement submitted by Liberation, a non-governmental organization on the Roster
E/CN.4/1998/NGO/108	10	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in general consultative status
E/CN.4/1998/NGO/109	10	Written statement submitted by Reporters without Borders - International, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/110		[Symbol not used]
E/CN.4/1998/NGO/111	9 (a)	Written statement submitted by the Network of Women's Non-Governmental Organizations in the Islamic Republic of Iran, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/112	9 (a)	Written statement submitted by the Federation of Cuban Women, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/113	7	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/1998/NGO/114	10	Written statement submitted by the Anglican Consultative Council, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/115	10	Written statement submitted by Liberation, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/116	10	Joint written statement submitted by: International Association for Religious Freedom, International Institute for Non-Aligned Studies, Women's International Democratic Federation, World Federation of Democratic Youth, non-governmental organizations in general consultative status; General Arab Women Federation, Himalayan Research and Cultural Foundation, Indian Movement "Tupaj Amaru", Indigenous World Association, International Association of Democratic Lawyers, International League for the Rights and Liberation of Peoples, North South XXI, Pax Christi International, Socialist International Women, Union of Arab Jurists, Women's International League for Peace and Freedom, World Movement of Mothers, non-governmental organizations in special consultative status; International Educational Development, Inc., Movement against Racism and for Friendship among Peoples, World Christian Life Community, World Peace Council, non-governmental organizations on the Roster
E/CN.4/1998/NGO/117		[Symbol not used]
E/CN.4/1998/NGO/118	16	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/119		[Symbol not used]
E/CN.4/1998/NGO/120	10	Joint written statement submitted by: Franciscans International, Parliamentarians for Global Action (for Disarmament, Development and World Reform), World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Muslim Congress, non-governmental organizations in general consultative status; African Commission of Health and Human Rights Promoters, American Association of Jurists, Arab Lawyers Union, Arab Organization for Human Rights, Asian Women's Human Rights Council, Canadian Council of Churches, Centro de

Symbol	Agenda item	
		Estudios Europeos, CHANGE, Commission for the Defense of Human Rights in Central America, Felix Varela Center, General Arab Women Federation, Human Rights Internet, International Association against Torture, International Association of Democratic Lawyers, International Centre for Human Rights and Democratic Development, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of Journalists, International Human Rights Law Group, International Indian Treaty Council, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization of Indigenous Resource Development, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Movimiento Cubano por la Paz y la Soberanía de los Pueblos, New Humanity, North South XXI, Pax Romana, Society for Threatened Peoples, United Towns Agency for North-South Cooperation, World Movement of Mothers, World Society of Victimology, Worldview International Foundation, non-governmental organizations in special consultative status; Association for World Education, International Educational Development, Inc., International Federation of Free Journalists, International Human Rights Association of American Minorities, International Peace Bureau, International Right to Life Federation, Liberation, Movement against Racism and for Friendship among Peoples, Saami Council, World Alliance of Reformed Churches, World Organization against Torture, non-governmental organizations on the Roster
E/CN.4/1998/NGO/121	10	Written statement submitted by Liberation, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1998/NGO/122	10	Written statement submitted by Franciscans International, a non-governmental organization in general consultative status
E/CN.4/1998/NGO/123	20	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/1998/NGO/124	10	Idem

Notes

a/ The summary records of the closed meetings (36th and 37th) were issued in restricted distribution.

Annex V

RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AND STATEMENTS MADE BY THE CHAIRMAN ON BEHALF OF THE COMMISSION AT ITS FIFTY-FOURTH SESSION

Document E/CN.4/1998	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 3: ORGANIZATION OF THE WORK OF THE SESSION		
L.107	resolution	1998/83	Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations	without a vote	32-33
	decision	1998/101	Organization of work	without a vote	15-16
	decision	1998/110	Organization of the work of the fifty-fifth session of the Commission	without a vote	42-43
	decision	1998/111	Organization of the work of the fifty-fifth session of the Commission	without a vote	44-45
	decision	1998/112	Enhancing the effectiveness of the mechanisms of the Commission on Human Rights	without a vote	30-31
	statement		Concerning the outbreak of violence in Kosovo		28
	statement		Concerning the situation of human rights in Colombia		26
			AGENDA ITEM 4: QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE		
L.3	resolution	1998/1	Question of the violation of human rights in the occupied Arab territories, including Palestine	roll-call vote (31/1/20)	56-61
L.5	resolution	1998/2	Human rights in the occupied Syrian Golan	roll-call vote (33/1/19)	62-66
L.7	resolution	1998/3	Israeli settlements in the occupied Arab territories	vote (51/1/0)	67-70
			AGENDA ITEM 5: QUESTION OF THE REALIZATION IN ALL COUNTRIES OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS		
L.9	resolution	1998/11	Human rights and unilateral coercive measures	roll-call vote (37/7/8)	79-83
L.20/Rev.1	resolution	1998/12	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	roll-call vote (33/14/6)	84-88
L.16	resolution	1998/23	The right to food	without a vote	94-97

Document E/CN.4/1998	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
L.17	resolution	1998/24	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development	vote (27/16/9)	98-102
L.29	resolution	1998/25	Human rights and extreme poverty	roll-call vote (51/1/0)	103-107
L.35	resolution	1998/33	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights	vote (52/1/0)	108-115
L.31	decision	1998/102	Effects of structural adjustment policies on the full enjoyment of human rights	roll-call vote (36/14/3)	89-93
			AGENDA ITEM 6: QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT		
L.19	resolution	1998/72	The right to development	without a vote	124-128
			AGENDA ITEM 7: THE RIGHT OF PEOPLES TO SELF-DETERMINATION		
L.4	resolution	1998/4	Situation in occupied Palestine	roll-call vote (34/1/18)	137-142
L.6	resolution	1998/5	Question of Western Sahara	without a vote	143-144
L.8	resolution	1998/6	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	roll-call vote (35/9/8)	145-152
			AGENDA ITEM 8: QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT		
L.49	resolution	1998/34	Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	without a vote	174-177
L.53	resolution	1998/35	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	without a vote	178-179
L.54	resolution	1998/36	Human rights and forensic science	without a vote	180-181
L.55	resolution	1998/37	United Nations staff	without a vote	182-184
L.56	resolution	1998/38	Torture and other cruel, inhuman or degrading treatment or punishment	without a vote	185-187
L.58	resolution	1998/39	Human rights in the administration of justice, in particular of children and juveniles in detention	without a vote	188-190

Document E/CN.4/1998	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
L.60	resolution	1998/40	Question of enforced or involuntary disappearances	without a vote	191-194
L.61	resolution	1998/41	Question of arbitrary detention	without a vote	195-196
L.62	resolution	1998/42	Right to freedom of opinion and expression	without a vote	197-200
L.76	resolution	1998/43	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms	without a vote	201-204
L.43	resolution	1998/73	Hostage-taking	without a vote	167-173
			AGENDA ITEM 9: FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS		
L.42	resolution	1998/44	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region	without a vote	232-233
L.52	resolution	1998/45	United Nations Decade for Human Rights Education	without a vote	234-235
L.63	resolution	1998/46	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights	roll-call vote (36/16/1)	236-242
L.64	resolution	1998/47	Human rights and terrorism	vote (33/0/20)	243-247
L.65	resolution	1998/48	Human rights and arbitrary deprivation of nationality	without a vote	253-254
L.67	resolution	1998/49	Human rights and mass exoduses	without a vote	255-256
L.68	resolution	1998/50	Internally displaced persons	without a vote	257-261
L.69	resolution	1998/51	Integrating the human rights of women throughout the United Nations system	without a vote	262-265
L.70	resolution	1998/52	The elimination of violence against women	without a vote	266-269
L.72	resolution	1998/53	Impunity	without a vote	270-272
L.74	resolution	1998/54	Towards a culture of peace	without a vote	273-276
L.75	resolution	1998/55	National institutions for the promotion and protection of human rights	without a vote	277-278
L.77/Rev.1	resolution	1998/56	Fiftieth anniversary of the Universal Declaration of Human Rights	without a vote	279-282
L.73	resolution	1998/74	Human rights and thematic procedures	without a vote	297-300
L.41/Rev.1	resolution	1998/81	Enhancement of international cooperation in the field of human rights	without a vote	285-296
	decision	1998/106	Freedom of movement and population transfer	without a vote	283-284

Document E/CN.4/1998	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
	decision	1998/107	Human rights and terrorism	roll-call vote (37/0/16)	248-252
			AGENDA ITEM 10: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD		
L.78	resolution	1998/61	Situation of human rights in the Democratic Republic of the Congo	roll-call vote (28/7/18)	315-319
L.80	resolution	1998/62	Human rights situation in southern Lebanon and western Bekaa	roll-call vote (52/1/0)	320-323
L.81/Rev.1	resolution	1998/63	Situation of human rights in Myanmar	without a vote	324-329
L.83	resolution	1998/64	Situation of human rights in Nigeria	roll-call vote (28/9/16)	330-335
L.85	resolution	1998/65	Situation of human rights in Iraq	roll-call vote (32/0/21)	336-343
L.87	resolution	1998/66	Cooperation with representatives of United Nations human rights bodies	without a vote	356-357
L.88	resolution	1998/67	Situation of human rights in the Sudan	roll-call vote (31/6/16)	358-363
L.90	resolution	1998/68	Extrajudicial, summary or arbitrary executions	without a vote	374-378
L.101	resolution	1998/69	Situation of human rights in Rwanda	without a vote	399-404
L.91	resolution	1998/70	Situation of human rights in Afghanistan	without a vote	379-385
L.104	resolution	1998/71	Situation of human rights in Equatorial Guinea and assistance in the field of human rights	without a vote	405-407
L.86/Rev.1	resolution	1998/79	Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia	roll-call vote (41/0/12)	344-355
L.100	resolution	1998/80	Situation of human rights in the Islamic Republic of Iran	roll-call vote (23/14/16)	386-398
L.102/Rev.1	resolution	1998/82	Situation of human rights in Burundi	without a vote	408-412

Document E/CN.4/1998	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
	decision	1998/109	Question of human rights in Cyprus	without a vote	417-418
	statement		Concerning East Timor		414-416
			AGENDA ITEM 11: MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS		
L.27	resolution	1998/15	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	without a vote	430-431
L.28	resolution	1998/16	Migrants and human rights	without a vote	432-434
L.30	resolution	1998/17	Violence against women migrant workers	without a vote	435-437
			AGENDA ITEM 12: RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE		
L.37	resolution	1998/26	Racism, racial discrimination, xenophobia and related intolerance	without a vote	447-450
			AGENDA ITEM 13: STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS		
L.12	resolution	1998/8	Question of the death penalty	roll-call vote (26/13/12)	458-464
L.13	resolution	1998/9	Status of the International Covenants on Human Rights	without a vote	465-467
L.14	resolution	1998/10	Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide	without a vote	468-469
			AGENDA ITEM 14: EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS		
L.15	resolution	1998/27	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights	without a vote	476-481
			AGENDA ITEM 15: REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION		
L.45	resolution	1998/28	Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	without a vote	490-494
L.50	resolution	1998/29	Minimum humanitarian standards	without a vote	509-510
L.57	resolution	1998/30	Traffic in women and girls	without a vote	511-512
L.59	resolution	1998/31	Human rights of persons with disabilities	without a vote	513-514

Document E/CN.4/1998	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
L.79	resolution	1998/32	Privatization of prisons	without a vote	515-520
L.46	decision	1998/104	Human rights and scientific and technological developments	without a vote	495-497
L.48	decision	1998/105	Study concerning the right to freedom of movement	without a vote	505-508
L.47	decision	1998/108	Question of human rights and states of emergency	without a vote	498-504
			AGENDA ITEM 16: RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES		
L.33	resolution	1998/19	Rights of persons belonging to national or ethnic, religious and linguistic minorities	without a vote	529-537
L.25	resolution	1998/21	Tolerance and pluralism as indivisible elements in the promotion and protection of human rights	without a vote	538-546
			AGENDA ITEM 17: ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS		
L.39	resolution	1998/22	Assistance to Guatemala in the field of human rights	without a vote	556-559
L.44	resolution	1998/57	Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights	without a vote	560-562
L.51	resolution	1998/58	Situation of human rights in Haiti	without a vote	563-564
L.66	resolution	1998/59	Assistance to Somalia in the field of human rights	without a vote	565-566
L.71	resolution	1998/60	Situation of human rights in Cambodia	without a vote	567-571
			AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF		
L.34	resolution	1998/18	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	without a vote	579-581
			AGENDA ITEM 19: DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS		
L.18	resolution	1998/7	Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	without a vote	588-590

Document E/CN.4/1998	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 20: RIGHTS OF THE CHILD		
L.40	resolution	1998/75	Abduction of children from northern Uganda	roll-call vote (24/1/27)	602-613
L.92	resolution	1998/76	Rights of the child	without a vote	614-617
			AGENDA ITEM 21: FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS		
L.103	resolution	1998/78	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action	without a vote	625-626
			AGENDA ITEM 22: THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE		
L.93	resolution	1998/77	Conscientious objection to military service	without a vote	631-635
			AGENDA ITEM 23: INDIGENOUS ISSUES		
L.22	resolution	1998/13	Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People	without a vote	643-646
L.23	resolution	1998/14	Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994	without a vote	647-649
L.24	resolution	1998/20	A permanent forum for indigenous people in the United Nations system	without a vote	650-661
	decision	1998/103	Protection of the heritage of indigenous people	without a vote	662-666
			AGENDA ITEM 25: DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FIFTH SESSION OF THE COMMISSION		
L.106	resolution	1998/84	Restructuring of the agenda of the Commission on Human Rights	without a vote	680-681

a/ The titles of agenda items have been abbreviated, where appropriate.

b/ In the case of a vote, the figures in brackets represent: votes in favour/votes against/abstentions.
